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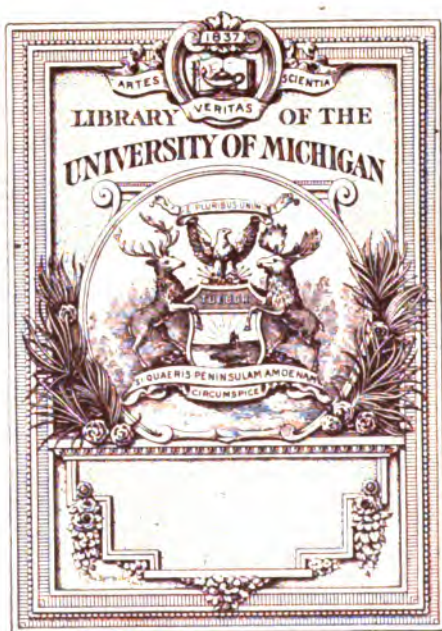
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JOURNAL
OF
THE SENATE,
OF THE
Sixth General Assembly
OF THE
STATE OF IOWA,

BEGUN AND HELD AT THE CAPITOL, IN IOWA CITY, ON THE FIRST
DAY OF DECEMBER, A. D., 1856, BEING THE SIXTH
REGULAR SESSION UNDER THE CONSTITUTION.

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**Published by Authority.**  
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IOWA CITY:
P. MORIARTY, STATE PRINTER.
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1857.



JOURNAL
OF
THE SENATE
OF THE

Sixth General Assembly of the State of Iowa,

Begun and held at the Capitol, in Iowa City, on the first day of December, A. D., 1856, being the sixth regular session under the Constitution.

SENATE CHAMBER, }
IOWA CITY, December 1st, 1856. }

This being the day fixed by the Constitution for the meeting of the General Assembly, and the hour of two o'clock P. M. having arrived, the Senate was called to order by the Hon. W. W. Hamilton, of Dubuque, on whose motion the Hon. W. F. Coolbaugh was appointed President *pro tem*.

The roll being called by P. B. Bradley, Secretary of the Senate at its last session, it appeared that the following named members were present, to-wit:

From the county of Lee—E. S. McCulloch and Wm. A. Thurston.

From the counties of Lee and Van Buren—D. T. Brigham.

From the county of Van Buren—A. H. McCrary.

From the county of Des Moines—Wm. F. Coolbaugh and Lyman Cook.

From the county of Jefferson—Wm. M. Reed.

From the county of Henry—Alvin Saunders.

From the county of Wapello—J. C. Ramsey.

From the counties of Monroe, Lucas and Clark—D. Anderson.

From the counties of Appanoose, Wayne and Decatur—J. W. Warner.

From the counties of Fremont, Mills, Page, Taylor, Montgomery, Ringgold and Adams—Samuel Dale.

From the county of Louisa—H. T. Cleaver.

From the county of Washington—Charles Foster.

From the county of Keokuk—J. L. Hogan.

From the county of Mahaska—William Laughridge.

From the county of Marion—J. E. Neal.

From the counties of Warren, Madison, Adair and Cass—M. S. McPherson.

From the county of Muscatine—G. W. Wilkinson.

From the counties of Johnson and Iowa—S. J. Kirkwood.

From the county of Scott—Nicholas J. Rusch.

From the county of Cedar—J. W. Cattell.

From the county of Clinton—J. J. Matthews.

From the county of Linn—W. G. Thompson.

From the counties of Linn, Blackhawk and Buchanan—George McCoy.

From the counties of Poweshiek, Jasper, Marshall and Tama—J. G. Grinnell.

From the counties of Polk, Dallas and Guthrie—James Jordan.

From the county of Jackson—J. W. Jenkins.

From the county of Dubuque—W. G. Stewart.

From the counties of Dubuque and Delaware—W. W. Hamilton.

From the county of Clayton—Henry B. Carter.

From the counties of Fayette, Bremer, Butler, Franklin, Grundy, Hardin, Wright, Webster, Boone, Story, Green and Humboldt—Aaron Brown.

From the counties of Alamakee, Winnesheik, Howard, Chickasaw, Mitchell, Floyd, Worth, Cerro Gordo, Hancock, Winnebago, Bancroft and Kossuth—J. T. Atkins.

On motion of Mr. Hamilton,

P. B. Bradley was elected Secretary *pro tem*.

Mr. Saunders

Moved that a committee of three be appointed to examine and report on the credentials of the members elect,

Which was adopted.

The President

Appointed Senators Saunders, Thurston and Hamilton said committee.

On motion of Mr. Saunders,
James Trimble was elected Sergeant-at-arms *pro tem*.

On motion of Mr. Neal,
W. H. Parks was elected Door Keeper *pro tem*.

On motion of Mr. Anderson,
Miles Brown was elected Fireman *pro tem*.

On motion of Mr. Cleaver,
John Peck was elected Messenger *pro tem*.

On motion of Mr. McCulloch,
The rules of the last session were adopted for the temporary government of the Senate.

On motion of Mr. Anderson,
The Senate adjourned until to-morrow morning at ten o'clock.

SENATE CHAMBER, }
December 2d, 1856. }

The Senate met pursuant to adjournment.

Prayer by the Rev. S. S. Howe.

Senator Saunders,

From the Committee on Credentials, submitted the following report:

The Committee on Credentials beg leave to report that they have examined those presented to them, and find that the following dis-

tricts have elected the following gentlemen, as members of the Senate:

County of Jefferson—William M. Read.
 Counties of Linn, Buchanan, &c.—George McCoy.
 County of Des Moines—Lyman Cook.
 County of Marion—M. L. McPherson.
 County of Fremont—Samuel Dale.
 Counties of Johnson and Iowa—Samuel J. Kirkwood.
 County of Fayette—Aaron Brown.
 County of Washington—Charles Foster.
 County of Linn—William G. Thompson.
 County of Dubuque—William G. Thompson.
 County of Jackson—J. W. Jenkins.
 County of Clayton—Henry B. Carter.
 Counties of Lee and Van Buren—David T. Brigham.
 County of Marion—Jarius E. Neal.
 County of Appanoose—John W. Warner.
 County of Poweshiek—J. B. Grinnell.
 County of Mahaska—William Loughridge.
 County of Allamakee—Jeremiah T. Atkins.
 County of Cedar—Jonathan W. Cattell.
 County of Scott—Nicholas J. Rusch.

A. SAUNDERS,
 Chairman.

Which report was,
 Upon motion of Mr. Anderson,
 Adopted.

The members elect of the Senate severally took the oath of office as prescribed by the Constitution.

Upon motion of Mr. McCrary,
 The Senate proceeded to the election of permanent officers.

Upon motion of Mr. McCrary,
 The Senate proceeded to the election of President.

Mr. Saunders
 Nominated for the office of President, W. W. Hamilton, of Dubuque county.

Mr. Brigham
Nominated W. F. Coolbaugh, of Des Moines county.

The roll being called,
The Senate proceeded to vote as follows :

Those voting for Mr. Hamilton were
Senators Anderson, Atkins, Brown, Carter, Cattell, Cleaver,
Coolbaugh, Cook, Foster, Grinnell, Hogan, Jenkinè, Jordan, Kirk-
wood, Laughridge, Matthews, McCey, McCrary, McPherson, Reed,
Rusch, Saunders, Thompson, Wilkinson—24.

Those voting for Mr. Coolbaugh were,
Senators Brigham, Dale, Hamilton, McCulloch, Neal, Ramsey,
Stewart, Thurston, Warner—9.

Mr. Hamilton having received a majority of all the votes cast,
was declared duly elected President of the Senate.

Senators Saunders and Matthews were appointed a committee to
conduct the President elect to the Chair.

Upon motion of Mr. Anderson,
The Senate proceeded to the election of Secretary.

Mr. McCrary
Nominated Charles C. Nourse of Van Buren county.

Mr. McCulloch
Nominated Philip B. Bradley.

The Senate proceeded to vote for Secretary,
Which resulted as follows :

Those voting for Mr. Nourse were,
Senators Anderson, Atkins, Brown, Carter, Cleaver, Cook, Fos-
ter, Grinnell, Hamilton, Hogan, Jenkins, Jordan, Kirkwood, Laugh-
ridge, Matthews, McCoy, McCrary, McPherson, Reed, Rusch, Saun-
ders, Thompson, Wilkinson—24.

Those voting for Mr. Bradley were,
Senators Brigham, Coolbaugh, Dale, McCulloch, Neal, Ramsey,
Stewart, Thurston and Warner—9.

Mr. Nourse, having received a majority of all the votes cast, was
declared duly elected Secretary of the Senate.

Upon motion of Mr. Grinnell,
The Senate proceeded to the election of Assistant Secretary.

Mr. Grinnell
Nominated Geo. E. Spencer of Jasper county.

R. H. Sylvester of Johnson county was also put in nomination.

The Senate proceeded to vote for Assistant Secretary,
Which resulted as follows:

Those voting for Geo. E. Spencer were,
Senators Anderson, Atkins, Brown, Carter, Cattell, Cleaver, Cook,
Dale, Foster, Grinnell, Hamilton, Hogan, Jenkins, Jordan, Kirk-
wood, Laughridge, Matthews, McCoy, McCrary, McPherson, Reed,
Rusch, Saunders, Thompson, Warner and Wilkinson—26.

Those voting for Mr. Sylvester were,
Senators Brigham, Coolbaugh, McCulloch, Neal, Ramsey, Stew-
art, Thurston—7.

Mr. Spencer having received a majority of all the votes cast was
declared duly elected Assistant Secretary of the Senate.

Upon motion of Mr. Cleaver,
The Senate proceeded to the election of Sergeant-at-arms.

Mr. Cleaver
Nominated S. S. Daniels.

Mr. Thurston
Nominated J. B. Brown.

The Senate proceeded to vote, which resulted as follows :

Those voting for Mr. Daniels were :

Senators Anderson, Atkinson, Carter, Cattell, Cleaver, Cook,
Foster, Grinnell, Hamilton. Hogan, Jenkins, Jordan, Kirkwood,
Laughridge, Matthews, McCoy, McCrary, McPherson, Reed, Rusch,
Saunders, Thompson, Warner and Wilkinson—25.

Those voting for Mr. Brown were :

Senators Brigham, Coolbaugh, Dale, McCulloch, Neal, Ramsay,
Stewart and Thurston—8.

Mr. Daniels

Having received a majority of all the votes cast, was declared duly elected Sergeant-at-Arms of the Senate.

Upon motion of **Mr. Loughridge**,
The Senate proceeded to the election of Enrolling Clerk.

Mr. Loughridge
Nominated A. W. Ballard, of Mahaska county.

Mr. Thurston
Nominated S. A. James.

The Senate proceeded to a vote, which resulted as follows:

Those voting for Mr. Ballard were:

Senators Anderson, Atkins, Brown, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Reed, Rusch, Saunders, Thompson, Warner, Wilkinson—24.

Those voting for Mr. James were:

Senators Brigham, Coolbaugh, Dale, McCulloch, Neal, Ramsay, Stewart, Thurston—8.

Mr. Ballard

Having received a majority of all the votes cast was declared duly elected Enrolling Clerk of the Senate.

Upon motion of **Mr. Neal**,
The Senate proceeded to the election of Door-Keeper.

Mr. Neal
Nominated for Door-Keeper W. H. Parker.

Mr. McCrary
Nominated G. Caruthers.

The Senate proceeded to a vote, which resulted as follows:

Those voting for Mr. Caruthers were:

Senators Anderson, Atkins, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Reed, Rusch, Saunders, Thompson, Warner, Wilkinson—24.

Those voting for Mr. Parker were:

Senators Brigham, Coolbaugh, Dale, Neal, Ramsay, Stewart, Thurston—8.

Mr. Caruthers

Having received a majority of all the votes cast, was declared duly elected Door-Keeper of the Senate.

Upon motion of Mr. Kirkwood,
D. P. Greeley was elected Fireman of the Senate.

Upon motion of Mr. Anderson,
H. G. Curtis was elected Chief Messenger of the Senate.

Upon motion of Mr. Saunders,
Robert Young and J. M. Peck were severally elected Assistant Messengers of the Senate.

Upon motion of Mr. Anderson,
J. M. Weir was elected Paper Folder.

The officers elect took the oath of office required by law, and entered upon the discharge of their several duties.

Upon motion of Mr. Matthews, it was
Resolved, That the Senate elect a Chaplain for the present session of the Legislature.

Mr. Matthews
Nominated Rev. Thomas Morong as Chaplain to the Senate.

The Senate proceeded to vote *viva voce*, which resulted in the election of Mr. Morong.

Upon motion of Mr. Brigham, it was

Resolved, That the Secretary of the Senate be required to cause a journal of each day's proceedings to be printed in convenient form, and a copy of the same be furnished each morning at the desk of each Senator.

Upon motion of Mr. Neal, it was

Resolved, That the Secretary be authorized to make arrangements with the Post Master at Iowa City, for the payment of the postage of the Members of the Senate during the session.

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Upon motion of Mr. Anderson,

A committee of two was appointed to wait upon the House of Representatives, and inform them of the permanent organization of the Senate.

The Chair

Appointed Senators Anderson and Coolbaugh said committee, who proceeded immediately to the discharge of said duty, and reported accordingly.

Upon motion of Mr. Grinnell, it was

Resolved, That the Secretary be authorized to furnish twelve or fifteen armed chairs, corresponding with those now in use, for the use of the Senate.

Upon motion of Mr. Matthews,

The reporters and editors of newspapers were permitted seats within the bar of the Senate.

Upon motion of Mr. Thurston,

The Secretary was directed to furnish each Senator with a copy of the Code and Session Laws, and Jefferson's Manual.

Mr. Ramsay

Offered the following resolution :

Resolved, That the Secretary be requested to furnish each Senator twenty copies of the daily Iowa City Republican, and the same number of the daily Iowa City Reporter.

Mr. Anderson

Moved to amend the resolution so as to read, twenty copies of such daily papers as Senators may select.

Amendment accepted.

Mr. Thurston

Moved to amend the resolution by striking out twenty, and inserting twenty-five.

Adopted.

Mr. Neal

Moved further to amend the resolution, by adding after the words daily papers, "or their equivalent in weekly papers."

Upon which amendment,

Mr. Loughridge called for the yeas and nays,
Which were as follows:

YEAS—

Atkins, Brigham, Carter, Cattell, Cleaver, Coolbaugh, Dale, Grinnell, Jenkins, Kirkwood, McCoy, McCrary, McCulloch, McPherson, Neal, Read, Rusch, Stewart, Thompson, Thurston, Warner, Wilkinson, Mr. President—23.

NAYS—

Anderson, Brown, Cook, Foster, Hogan, Jordan, Loughridge, Matthews, Ramsay, Saunders—10.

Amendment adopted,

And

Resolution as amended, agreed to.

The Secretary

Was directed to furnish desks and chairs for the use of reporters, and locks for Senators' desks.

Upon motion of Mr. Matthews.

The Secretary was directed to furnish a thermometer to regulate the heat of the hall.

Upon motion of Mr. Anderson,

A committee of three was appointed to act with a committee on the part of the House of Representatives, to inform the Governor of the organization of the General Assembly, and receive any communication he might desire to make.

The Chair

Appointed Senators Jordan, Brigham and Jenkins said committee.

Upon motion of Mr. Cleaver,

A committee of three was appointed to report rules for the government of the Senate.

The Chair

Appointed Senators Cleaver, Jenkins and Anderson said committee.

Upon motion of Mr. Anderson,
The rules of the last Senate were adopted for the government of
the present Senate.

On motion of Mr. Thurston, it was
Resolved. That the President of the Senate appoint the usual
standing committees.

Upon motion of Mr. Neal,
The Senate adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

Mr. McCrary
Presented the credentials of H. H. Trimble, Senator elect from
Davis county.

Upon motion of Mr. Thurston,
The Senate received and acted upon the certificate of election.

Mr. Trimble
Was admitted to his seat, and took the oath of office.

Mr. Cleaver,
From the committee on rules, reported that the committee recom-
mended the adoption of the rules of the last Senate.

Upon motion of Mr. Cleaver,
One hundred copies of the rules were ordered to be printed for
the use of the Senate.

Mr. Coolbaugh
Brought to the notice of the Senate the fact that at the last ses-
sion of the General Assembly, both Houses passed a bill for an act
to further restrict the duties of the Superintendent of Public In-
struction, Senate File No. 32, and that said bill had not been pre-
sented to the Governor for his approval.

Upon motion of Mr. Anderson,
A committee of three was appointed to investigate said matter.

The Chair

Appointed Senators Anderson, Coolbaugh and Grinnell said committee.

Upon motion of Mr. Anderson,
The Senate proceeded to the election of an Engrossing Clerk.

Mr. Cleaver

Nominated Francis White for said office.

Mr. Foster

Nominated John P. McKay.

Mr. Matthews

Nominated John P. Saunders.

Mr. Jordan

Nomited A. S. Ayers.

The Senate proceeded to vote, *viva voce*,

Which resulted as follows :

Mr. White received seven votes.

Mr. Ayers received six votes.

Mr. Saunders received seven votes.

Mr. McKay received nine votes.

Mr. Burns received two votes.

No one having received a majority of the votes cast, the Senate proceeded to a second vote, which resulted as follows :

Mr. White received nine votes.

Mr. Ayres received one vote.

Mr. Cook received one vote.

Mr. Saunders received ten votes.

Mr. McKay received ten votes.

Mr. Burns received two votes.

No person having received a majority of the votes cast, the Senate proceeded to a third vote, which resulted as follows :

Mr. White received seven votes.

Mr. Saunders received thirteen votes.

Mr. McKay received twelve votes.

Mr. Burns received two votes.

No person having received a majority of the votes cast, the Senate proceeded to a fourth vote, which resulted as follows :

Mr. White received two votes.

Mr. McKay received nineteen votes.

Mr. Saunders received eleven votes.

Mr. Burns received one vote.

Mr. McKay having received a majority of the votes cast, was declared duly elected.

Message from the House of Representatives,

By Messrs. Dorland and Barker,

Who announced that the House was organized and ready to proceed to business.

Upon motion of Mr. Anderson,

A committee of three was appointed to act with a similar committee on the part of the House of Representatives, to report rules for the government of the General Assembly.

The Chair

Appointed Senators Anderson, Neal and Thompson said committee.

Message from the House of Representatives,

By Mr. Logan, Chief Clerk.

MR. PRESIDENT :

I am instructed by the House to inform the Senate that a committee of six has been appointed to act jointly with the committee from the Senate, to inform the Governor of the organization of the General Assembly.

J. M. LOGAN,
Chief Clerk.

Mr. Jordan,

From the committee appointed to wait upon the Governor, reported that the committee had discharged the duty assigned them, and that the Governor would communicate his message in writing.

Message from the Governor,

By his Private Secretary,

Which was read by the Secretary of the Senate.

Upon motion,
The message was laid upon the table,
And ordered to be printed.

Upon motion of Mr. Coolbaugh,
Five thousand copies of the Governor's message were ordered to be printed in the English language, and one thousand copies in the German language.

Upon motion of Mr. Saunders,
The Secretary was authorized to employ a proper person to translate the message into the German language.

On motion of Mr. Brigham,
The Senate adjourned until ten o'clock to-morrow.

SENATE CHAMBER, }
Wednesday, Dec. 3, 1856—10 A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and corrected.

RESOLUTIONS.

Upon motion of Mr. Coolbaugh, it was
Resolved, That a committee on Railroads, to consist of the usual number, be added to the list of the standing committees of the Senate.

Upon motion of Mr. Foster, it was
Resolved, That the Secretary of the Senate be instructed to furnish each Senator a sectional map of Iowa, such as may be selected by the President of the Senate.

REPORTS OF COMMITTEES.

Mr. Anderson,

From the special committee appointed to investigate the matter of the loss of

Senate File No. 32,

Of Special Session, reported that the bill had been found in the Secretary's desk, among a package of original Senate Files, of the past session.

Mr. Anderson

Had leave to introduce the bill as

Senate File No. 1,

An act to further restrict the duties of Superintendent of Public Instruction,

Which was read a first time.

Upon motion of Mr. Saunders,

The eleventh rule was suspended and the bill read a second time by its title.

Mr. Neal

Moved that the bill be referred to a select committee of five, with instructions to report as soon as practicable.

Mr. Anderson

Called for the yeas and nays,

Which were as follows:

YEAS—

Neal, Thurston, Trimble, Warner—4.

NAYS—

Anderson, Atkins, Brigham, Brown, Carter, Cattell, Oleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McCulloch, McPherson, Ramsay, Reed, Saunders, Stewart, Thompson, Wilkinson, President—29.

Motion to refer lost.

On motion of Mr. Anderson,

The eleventh rule was suspended, and the bill read a third time, Passed and the title agreed to.

By Mr. Saunders,

Notice of a bill to amend chapter 64 of the code of Iowa.

By Mr. Neal,

Notice of a bill to repeal an act entitled an act for the suppression of intemperance, approved January 22nd, 1855.

By Mr. Loughridge,

Notice of a bill to regulate the powers of Notaries Public.

The President

Laid before the Senate a communication from the Judges of the Supreme Court,

Which was received,

Read, and laid on the table.

The communication was as follows :

SUPREME COURT ROOM, }
Dec. 1st, 1856. }

To the General Assembly

of the State of Iowa :

As required by the third section of an act in relation to disbursing officers and agents, approved January 25, 1855, we herewith transmit a statement of the manner, to whom, and when the moneys appropriated to the Supreme Court as a contingent fund, for the two years ending this date, were expended and paid out. From this statement it will be seen that of this fund there remains unexpended the sum of \$469 39. The necessary vouchers for the sums paid out will be found on file in the office of the Auditor of State.

Respectfully Submitted,

GEO. G. WRIGHT,
Chief Justice.

W. G. WOODWARD, } Justices.
L. D. STOCKTON, }

On motion of Mr. Saunders,

A select committee of three was appointed to ascertain the expense of printing the Journal for the use of Senators,

With instructions to report this afternoon.

The Chair

Appointed Senators Brigham, McClary, and Saunders, said committee.

NOTICE OF BILLS.

By Mr. Loughridge,

Notice of a bill for an act to establish the eleventh judicial district.

By Mr. Anderson,

Notice of a bill for an act to regulate juror's fees.

By Mr. Thompson,

Notice of a bill for an act to regulate appeals for Justices of the Peace in criminal cases.

By Mr. Thruston,

Notice of a bill for an act for the more equal assessment of lands, and to assess the same independent of their improvements.

By Mr. Jenkins,

Notice of a bill for an act to create a twelfth judicial district.

On motion of Mr. McCulloch,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The President announced the following as the Standing Committees of the Senate for the present session :

Ways and Means—Senators Saunders, Coolbaugh, Brigham, Matthews and Thompson.

Judiciary—Senators Jenkins, Trimble, Neal and Loughridge.

Federal Relations—Senators Kirkwood, Matthews, Thurston, Warner and Cattell.

Internal Improvements—Senators Cleaver, Brigham, McCrary, Brown and Ramsay.

County Boundaries—Senators Atkins, Wilkinson, Warner, McCrary and Rusch.

Claims—Senators Cattell, Thurston, Carter, and Jordan.

Schools—Senators Grinnell, Cleaver, Stewart, Cook and Dale.

Roads—Senators Atkins, McCulloch, Cattell, Test and Birge.

Military Affairs—Senators Ramsay, Saunders, Foster, Neal and Thurston.

Charitable Institutions—Senators McCrary, Stewart, Saunders, Coolbaugh and Carter.

Agriculture—Senators Foster, Atkins, Reed, Warner and Birge.

New Counties—Senators Brown, Carter, McCrary, Ramsay, and Hogan.

Public Buildings—Senators Jordan, Kirkwood, Thurston, McPherson, and Trimble.

Elections—Senators McPherson, Wilkinson, Dale, Hogan and Rusch.

Engrossed Bills—Senators Foster and Dale.

Enrolled Bills—Senators Cook and Cartor.

Public Lands—Senators Thompson, McPherson, Test, Matthews, and Neal.

State Library—Senators Cook, Thompson, Rusch, Grinnell and Trimble.

Railroads—Senators Coolbaugh, Kirkwood, Jenkins, Brigham and Stewart.

Mr. McCulloch

Moved to print with the rules of the Senate one hundred copies of the list of standing committees.

Motion prevailed.

On motion of Mr. Coolbaugh,
The following documents were ordered to be printed :

Treasurer's Report, 1000 copies.

Report of the Des Moines River Navigation and Rail Road Company, 1000 copies.

Report of Inspector of Penitentiary, 500 copies.

Report of Register of State Land Office, 1000 copies.

Mr. Saunders.

From the select committee appointed to ascertain the expenses of printing the journal for the use of senators, reported in relation thereto, and referred the matter to the Senate.

Message from the House of Representatives,
By Mr. Logan, Chief Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed without amendment,

Senate File No. 1,

A bill for an act further to restrict the duties of Superintendent of Public Instruction.

J. M. LOGAN,
Chief Clerk.

Mr. Anderson

Moved to re-consider the vote by which the Journals were ordered to be printed for the use of Senators,

Which motion prevailed.

Mr. Anderson

Moved the indefinite postponement of the further consideration of the resolution.

Which motion prevailed.

NOTICE OF BILLS.

By Mr. Stewart,

Notice of a bill authorizing the city of Dubuque to aid in the construction of certain railroads therein named and for other purposes.

By Mr. Trimble,

Notice of a bill to regulate the granting of changes of venue in criminal cases.

By Mr. Grinnell,

Notice of a bill to separate the financial from the educational duties of the State Superintendent of Public Instruction.

By Mr. Trimble,

Notice of a bill to regulate appeals to the Supreme Court in criminal cases.

By Mr. Jenkins,

Notice of a bill to repeal an act entitled "An act to regulate the interest on money."

By Mr. Trimble,

Notice of a bill legalizing a State road running from Bloomfield in Davis county, Iowa, via Albia, Knoxville and Indianola to Winterset in Madison county, Iowa.

By Mr. Trimble,

Notice of a bill defining more particularly the powers and duties of the county judges of the respective counties in this State in regard to roads and highways.

Mr. Cleaver

Moved the reference of the communication of Judges of the Supreme Court to committee on Claims.

Motion prevailed.

Mr. Cleaver

Called for the reading of the letter of Governor Grimes to the President of the U. S.

The letter was read by the Secretary.

Mr. Thurston

Offered the following resolution :

Resolved, That his Excellency, the Governor of Iowa, be requested to lay before the Senate all of his correspondence with the President of the United States, in relation to affairs in Kansas, and also with citizens of Kansas upon the same subject.

Mr. Neal

Called for the yeas and nays on the resolution.

Mr. Cook

Moved to lay the resolution on the table,

Upon which,

The yeas and nays were called,

Which were as follows:

YEAS—

Senators Anderson, Atkins, Brown, Cattell, Cleaver, Cook, Hogan, Jenkins, Kirkwood, Loughridge, Matthews, McCoy, McCrary, Reed, Saunders, Thompson, and Mr. President—17.

NAYS—

Senators Brigham, Carter, Coolbaugh, Dale, Foster, Grinnell, Jordan, McCulloch, McPherson, Neal, Ramsay, Stewart, Thurston, Trimble, Warner, Wilkinson—16.

Motion to lay on the table prevailed.

Mr. Neal

Moved that the letter of the Governor be taken from the table, in order to be referred to a committee,

Which motion was lost.

On motion of Mr. Wilkinson,

Senate adjourned until to-morrow, ten o'clock, A. M.

SENATE CHAMBER, }
Thursday, Dec. 4th, 1856—10 A. M. }

The Senate met pursuant to adjournment.

Prayer by the Chaplain,

Journal of yesterday read and approved.

Message from the House of Representatives,
By Mr. Logan, Clerk.

MR. PRESIDENT :

I am instructed by the House to inform the Senate that the House has appointed the following committee on joint rules, to-wit :
Messrs. Cloud, Barner and Bowen.

J. W. LOGAN,
Clerk.

Mr. Coolbaugh

Made a statement in relation to the loss of
Senate File No. 32,

In behalf of Mr. Bradley, to-wit—That Mr. Bradley states that he had carefully examined the secretary's desk on Monday last, with a view to discover said bill, and that he was confident the bill was not at that time among the papers in the desk.

PETITIONS AND MEMORIALS.

Mr. McCulloch,

Offered the petition of J. A. Dietar and twenty others, asking that so much of the state road, leading from Charleston to Fairfield, as crossed the town lots in Primrose, be vacated.

The petition was referred to a special committee, consisting of the members from Lee County.

Mr. Griswold,

Presented the petition of Josiah Hickman and twenty-three others, citizens of Jefferson, asking for the abolition of capital punishment, which was read, and

Referred to the committee on the Judiciary.

RESOLUTIONS.

On motion of Mr. Brigham,

It was

Resolved, That a committee of three be appointed to enquire and report at an early day whether the state printer is prepared to furnish, without unreasonable delay, the printing required by the Senate.

Committee,

Messrs. Brigham, Jenkins and Cook.

NOTICE OF BILLS.

By Mr. Thompson,

Notice of a bill for an act to amend an act entitled an act in relation to county seats.

By Mr. Thompson,

Notice of a bill for an act regulating the salaries of the Judges of the Supreme and District Courts of the State of Iowa.

By Mr. Thompson,

Notice of a bill for an act regulating proceedings in the district courts, and for obtaining judgments by notice.

By Mr. Kirkwood,

Notice of a bill to amend the existing laws relating to county boards, and to create a state board for the equalization of the assessments of real estate for taxation.

By Mr. Loughridge,

Notice of a bill to provide for notice in suits against non-residents.

By Mr. Loughridge,

Notice of a bill in relation to the taking of depositions without the State.

By Mr. McCulloch,

Notice of a bill to prevent killing certain kinds of game in certain seasons of the year.

Also,

Notice of a bill to more fully define the duties of supervisors of roads and highways.

By Mr. Stewart,

Notice of a bill granting certain privileges to the Dubuque and Pacific Railroad company, and for other purposes.

By Mr. Brown,

Notice of a bill authorizing an appropriation for the relief of the destitute inhabitants of Kansas Territory.

By Mr. McPherson.

Notice of a bill to repeal chapter 61 of the laws of 1853, approved January 24, 1853, and to revive all that portion of the code which was repealed by said act.

Also,

Notice of a bill to incorporate Winterset, in Madison county.

By Mr. Anderson,

Notice of a bill explanatory of the period and vacation of the office of county Judges.

By Mr. Thurston,

Notice of a bill for an act authorizing counties and townships to levy a tax for the purpose of draining and making levees in said counties.

Also,

Notice of a bill for an act making the corporate limits of cities and towns which embrace parts of two or more different townships one election district.

By Mr. Trimble,

Notice of a bill defining the duties and powers of parties in ex-parte pleadings in the courts of justice in this State, and to authorize private citizens in certain cases to sue out writs of injunction and mandamus.

By Mr. Trimble,

Notice of a bill providing for taking depositions in cases of non-resident parties.

By Mr. Warner,

Notice of a bill authorizing the qualified electors of Center township, in Decatur county, Iowa, to elect an additional justice of the peace.

On motion of Mr. Kirkwood,

It was

Resolved, That the committee on the Judiciary be instructed to report to this body whether, in their opinion, the State of Iowa is entitled, under the act of Congress of March 3d, 1845, to five per cent of the government price of all lands sold in the State by the United States for military land warrants, other than those granted for services in the war of 1812;—and if so to report by bill or otherwise, such measures as they shall deem proper to procure the payment of the same to the proper officers of this State.

On motion of Mr. Anderson,

Mr. Kirkwood was added to the committee on the Judiciary, for the special consideration of the above resolution.

RESOLUTIONS.

Mr. Anderson offered the following resolution :

Resolved, That the Senate elect an assistant fireman, and that it shall be the duty of the fireman and assistant to dust and clean the Senate chamber, desks and chairs each morning during the session.

Which resolution was not adopted.

Mr. Foster offered the following resolution :

Resolved, That the committee on Federal Relations be instructed to report as soon as practicable, a joint resolution instructing our Senators and requesting our Representatives in Congress to support the admission of Kansas as a State into the Union with her constitution framed at the Topeka Convention.

Upon the passage of which,

Mr. Neal called for the yeas and nays,
Which were as follows :

YEAS—

Senators Anderson, Atkins, Brown, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Hogan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Reed, Rusch, Saunders, Stewart, Test, Thompson, Wilkinson, Mr. President—22.

NAYS—

Senators Brigham, Coolbaugh, Dale, Jenkins, McCulloch, Neal, Ramsay, Thurston, Trimble, Warner—11.

Resolution adopted.

Mr. Anderson,

From the committee appointed to report joint rules for the General Assembly, submitted the following report: —

Your committee on rules for the government of the General Assembly, report the following:

That with the concurrence of the committee of the House, they recommend the adoption of the rules of the last General Assembly.

ANDERSON,

Chairman.

Which report was adopted, and
The committee discharged.

On motion of Mr. Cleaver,

100 copies of the joint rules were ordered to be printed with the rules of the Senate.

Mr. McCrary

Offered a resolution requiring the Sergeant-at-Arms to assist in sweeping and cleaning the Senate Chamber.

Mr. Neal

Moved to insert also the Doorkeeper.

Mr. Cook

Moved to strike out Sergeant-at-arms and Doorkeeper, and insert Messengers.

By leave of the Senate,

The resolution and amendment were withdrawn.

Mr. Reed

Moved to re-consider the vote by which the resolution providing for the election of Assistant Fireman, was lost.

Motion to re-consider prevailed.

The question recurring upon the original resolution, the same was adopted.

The Senate proceeded to the election of Assistant Fireman.

Mr. Anderson
Nominated Miles Brown.

Mr. Grinnell
Nominated Townsend Hopkins.

Mr. Neal
Nominated Amos Dodge.

The Senate proceeded to vote,
Which resulted as follows:

Those voting for Mr. Brown were—

Senators Anderson, Brigham, Brown, Carter, Cleaver, Coolbaugh, Cook, Dale, Hogan, Jenkins, Kirkwood, Laughridge, McCoy, McCrary, McCulloch, McPherson, Ramsay, Reed, Saunders, Stewart, Thompson, Trimble, Warner, Wilkinson, Mr. President—25.

Those voting for Mr. Hopkins were:

Senators Atkins, Cattell, Foster, Grinnell, Matthews, Rusch—6.

Those voting for Mr. Dodge were:

Senators Neal and Thurston—2.

Mr. Brown having received a majority of the votes cast was declared duly elected Assistant Fireman to the Senate.

Mr. Brown
Took the oath of office, and entered upon his duties.

On motion of Mr. Grinnell,
The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The President

Laid before the Senate the report of the Auditor of State, which the Secretary proceeded to read.

On motion of Mr. Cleaver,
The further reading was dispensed with.

On motion of Mr. Cleaver,
The report was laid on the table.

Mr. Saunders

Moved that the Senate take up the Governor's message and refer it to the appropriate committees.

Which motion prevailed.

On motion of Mr. Brigham,
The Senate resolved itself into the committee of the whole on the Governor's message.

Mr. Saunders in the chair.

After a short session, the committee rose, and through their chairman, reported that the committee recommended that the message be referred as follows:

That part relating to statistics, to the committee on Agriculture.

That relating to schools and school lands, to the committee on Schools.

That part relating to finances, to the committee on Ways and Means.

That part relating to the State land office, to the committee on Public Lands.

That part relating to the Des Moines River Improvement, to a Special Committee of three on part of the Senate, to confer with a committee on part of the House.

That referring to State insane asylum to the committee on Charitable Institutions.

That relating to State Penitentiary, to the committee on Public Buildings.

That part relating to swamp and overflowed lands, to the committee on Public Lands.

That part relating to a geological survey, to the committee on Agriculture.

That part relating to weights and measures to the committee on Public Buildings.

That part relating to the State University, to a Special Committee.

That part relating to the State capitol to the committee on Public Buildings.

That part relating to the revision of the school laws to the committee on Schools.

That part relating to a registry law, to a Special Committee.

That relating to county indebtedness to the committee on the Judiciary.

That part relating to Kansas to the committee on Federal Relations.

On motion of Mr. McCulloch,

The recommendations of the committee were concurred in and the message so referred.

The President

Presented the report of the Trustees of the Institution for the Education of the Blind, and accompanying documents.

The report was read, and

Laid upon the table.

On motion of Mr. Foster,

The vote by which a resolution offered by him, relating to the admission of Kansas into the Union, was adopted, was re-considered.

Mr. Foster

Asked leave to introduce a substitute for the resolution,

A Joint Resolution of the General Assembly,

Which was read.

Mr. Foster

Moved to refer both resolutions to the committee on Federal Relations.

Mr. Brigham

Rose to a point of order.

Could the joint resolution upon its first reading be so referred?

Mr. Anderson

Rose to a point of order.

Could the resolution re-considered be referred without being first adopted?

The President

Decided the motion to refer in order.

Mr. Thurston

Called for a division of the question upon the reference of the two resolutions.

The question being upon referring the first resolution,

Mr. Neal

Called for the yeas and nays.

Mr. Saunders

Moved to lay both resolutions on the table,

Which motion prevailed.

Senator Coolbaugh in the Chair.

Mr. Hamilton

Had leave to introduce

Senate File No. 2,

A bill for an act to exempt certain lots in Dubuque, the property of the United States, from taxation,

Which was read a first and second time.

On motion of Mr. Hamilton,
The eleventh rule was suspended, and the bill read a third time,
passed and the title agreed to.

On motion of Mr. Neal,

It was

Resolved, That the Secretary of State be requested to report the aggregate number of inhabitants in each county in the State, and the total number of the same, as returned by the last census.

Mr. Cook,

From the committee on Enrolled Bills, reported

Senate File No. 1,

A bill for an act further to restrict the duties of Superintendent of Public Instruction, correctly enrolled.

Mr. Loughridge

Had leave to introduce

Senate File No. 4,

A bill for an act to establish the eleventh judicial district, and to fix the time for holding courts therein,

Which was

Read a first time.

Mr. Thompson

Had leave to introduce

Senate File No. 5,

A bill for an act regulating appeals from justices' courts in criminal cases,

Which was

Read a first time.

On motion of Mr. McCulloch,

The Senate adjourned to ten o'clock A. M. to-morrow.

SENATE CHAMBER, }
Friday, Dec. 5, 1856.—10 A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The President

Announced the following committees, in pursuance of the action of the Senate, yesterday.

For the consideration of that portion of the Governor's Message, which relates to a registry law:

Senators Jenkins, Loughridge and Coolbaugh.

For the consideration of that portion relating to the Des Moines River Improvement:

Senators Brigham, Matthews and Thompson.

For the consideration of that portion of the Message relating to the State University:

Senators Grinnell, Kirkwood and Trimble.

PETITIONS AND MEMORIALS.

Mr. Stewart

Presented the petition of Jacob Smith and 86 others, residents of Taylor township, Dubuque county, asking for a law restraining hogs from running at large in the State.

Which was,

On his motion,

Referred to the committee on Agriculture.

Mr. Jordan

Presented the petition of Milton Johnson and 70 others, asking

a law to establish a road from Fort Des Moines, by certain points, to Bear Grove, in Guthrie county.

Which was,

On his motion,

Referred to the committee on Roads.

RESOLUTION.

Mr. Thompson

Offered the following resolution :

Resolved, That the Secretary of the Senate furnish reporters in the Senate, with all necessary stationery.

Mr. Neal

Moved to amend by adding that the reporters report a full synopsis of the proceedings of the Senate.

Mr. Anderson

Offered the following substitute for the resolution and the amendment:

Resolved, That the Secretary of State be instructed to furnish the reporters of the Senate with pens, ink and paper necessary for their use.

On motion of Mr. Brigham,

The resolution, amendment and substitute were laid upon the table.

NOTICE OF BILLS.

By Mr. Neal,

Notice of a bill to repeal an act entitled, An act to amend the law in relation to divorce and alimony, approved January 24, 1855, and to revive chapter 86 of the code of Iowa.

Also,

Notice of a bill to change the boundaries of the fifth and ninth judicial districts.

By Mr. McPherson,

Notice of a bill providing for the re-location of the State Penitentiary.

By Mr. McCulloch,

Notice of a joint resolution asking Congress for increased mail facilities.

By Mr. Cattell,

Notice of a bill to repeal chapter 61 of the acts of 1852-3, and to revive so much of chapter 83 of the Code as was by said act repealed.

By Mr. Jordan,

Notice of a bill for a state road from Des Moines city, in Polk county, to the county seat of Mahaska county, via the bridge across Four Mile creek.

By Mr. Grinnell,

Notice of a bill to prevent waste being committed on school and university lands.

By Mr. Cleaver,

Notice of a bill to amend the charter of the city of Wapello.

On motion of Mr. Trimble,

It was

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law for the more speedy publication of the reports of the Supreme Court of this State.

On motion of Mr. Anderson,

1000 copies of the Auditor's Report were ordered to be printed for the use of the Senate.

On motion of Mr. McCrary,

1000 copies of the report of the Superintendent of the Institution for the Blind, with Exhibit A, were ordered to be printed for the use of the Senate.

Mr. Brigham,

From the special committee on Public Printing, reported that the printer was prepared to furnish more speedily the printing the Senate may require.

Mr. Saunders,

From the committee on Ways and Means, reported by bill
Senate File No. 6,

A bill for an act to provide for the payment of the State Bonds.

Which was read a first and second time, and

On motion of Mr. Ramsay,

Ordered to be engrossed and read a third time to-morrow.

BILLS ON SECOND READING.

Senate File No. 4,

A bill for an act to establish the eleventh judicial district, and fix the time for holding courts therein,

Was read a second time,

And,

On motion of Mr. Loughridge,

Was

Referred to the committee on the Judiciary.

Mr. Jenkins

Had leave to introduce

Senate File No. 7,

A bill for an act regulating the interest on money,

Which was

Read a first time,

And,

On motion of Mr. Neal,

Was

Referred to the committee on the Judiciary.

Mr. Stewart

Had leave to introduce

Senate File No. 8,

A bill for an act granting certain privileges to the Dubuque and Pacific Railroad company, and for other purposes,

Which was

Read a first and second times,

And

Referred to the committee on Railroads,

With instructions to report at an early day.

Mr. Trimble

Had leave to introduce

Senate File No. 9,

A bill for an act regulating a change of venue in criminal cases,

Which was

Read a first and second time,

And,

On motion of Mr. McCrary,

Was

Referred to the committee on the Judiciary.

On motion of Mr. Jenkins,

The Senate adjourned until two o'clock P. M.

TWO O'CLOCK, P. M.

The President

Laid before the Senate the following communication from the Secretary of State.

To the Honorable,

*The General Assembly of
the State of Iowa:*

GENTLEMEN—In compliance with the provisions of chapter 6, section 48 of the code of Iowa, I herewith report an abstract of the criminal returns received from the clerks of the district courts in the several counties in this State for the years 1855–56.

With great respect,

Your obedient servant,

GEO. W. McCLEARY,

Secretary of State.

Iowa City, Dec. 1st, 1856.

On motion of Mr. Anderson,

The report of the Secretary of State was laid upon the table and ordered to be made part of the Journal of the Senate.

Mr. Brigham

Asked leave of absence for Senator Coolbaugh, until Tuesday morning.

Which was granted.

Mr. Stewart,

With leave, introduced

Senate File No. 10,

A bill for an act authorizing the city of Dubuque to aid in constructing certain railroads and other purposes,

Which was read a first and second time, and

On his motion,

Was

Referred to the committee on Railroads.

Message from the House of Representatives,

By Mr. Hepburn, Assistant Clerk.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate,

That the House has ordered to be printed

5000 copies of the Governor's Message, in the English language, and

1500 copies in the German language,

Also,

1000 copies of the report of the Auditor of State.

Also,

That the House has adopted the report of the joint committee on rules for the government of the two Houses.

Also,

That the House has passed

House File No. 3,

A bill for an act to amend chapter 66, of the Code of Iowa, entitled school lands and funds.

Also,

House File No. 4,

A bill for an act to authorize the County Judge of Mahaska county, to borrow for county purposes, certain moneys therein named.

Also,

House File No. 5,

A bill for an act for the payment of the State bonds, due to the Philadelphia Bank, on the first day of January, 1857.

W. P. HEPBURN,

Ass't Clerk H. R.

Mr. McPherson

Had leave to introduce

Senate File No. 11,

A bill for an act to regulate dower,

Which was

Read a first and second times,

And,

On his motion,

Was

Referred to the committee on the Judiciary,

With instructions to report at an early day.

PETITIONS.

Mr. Hogan

Presented a petition from R. S. Leake and 45 others, asking the appointment of commissioners to survey and locate a state road from Sigourney, in Keokuk county, *via* Martinsburgh and Delena-ga to Ottumwa, in Wapello county.

On his motion,

The reading was dispensed with,

And it was

Referred to the committee on Roads.

NOTICE OF A BILL.

By Mr. Matthews,

Notice of a bill for an act to amend chapter 49 of the session laws of 1854-5.

Senate File No. 1,

A bill for an act further to restrict the duties of the Superintendent of Public Instruction,

Having been signed by the Speaker of the House and President of the Senate, and endorsed by the Clerk,

Was placed in the hands of the enrolling committee, to be presented to the Governor.

Mr. Warner

Had leave to introduce

Senate File No. 12,

A bill for an act to elect an additional Justice of the Peace in Centre township, Decatur county,

Which was

Read a first and second times,

And,

On his motion,

Was

Referred to the committee on the Judiciary.

On motion of Mr. Saunders,

The Senate took from the table the message from the House.

House File No. 3.

A bill for an act to amend chapter 66 of the code of Iowa.

Was read a first and second time,

And,

On motion of Mr. Brigham,

Was referred to the committee on Ways and Means, with instructions to report to-morrow.

House File No. 4,

A bill for an act to authorize the county judge of Mahaska county to borrow for certain purposes certain monies therein named,

Was read a first and second times,

And on motion of Mr. Loughridge,

Was referred to a select committee, to consist of the delegation from Mahaska county, with instructions to report to-morrow.

House File No. 5,

A bill for an act to provide for the payment of the State Bonds, due at the Philadelphia Bank, on the first day of January, A. D. 1857,

Was read a first and second times, and

On motion of Mr. Brigham,

Was referred to the committee on Ways and Means.

On motion of Mr. Neal,

The Senate adjourned.

SENATE CHAMBER, }
Dec. 6th, 1856—10 A. M. }

The Senate met pursuant to adjournment.

Prayer by the Chaplain,

Journal of yesterday read and approved.

NOTICE OF BILLS.

By Mr. McCrary,

Notice of a bill for an act amending chapter 130 of the Code of Iowa.

By Mr. Cattell,

Notice of a bill to amend chapter 85 of the Code of Iowa.

Mr. McCoy,

With leave, introduced

Senate File No. 18,

A bill for an act authorizing the county judge of Benton county to transcribe the records of the county.

Which was read a first and second times,

And

On motion of Mr. Saunders,

Was referred to a special committee,

To consist of the delegation from Linn county.

REPORTS OF COMMITTEES.

Mr. Saunders,

From the committee on Ways and Means, to whom was referred House File No. 3,

A bill for an act to provide for the payment of State Bonds due Philadelphia Bank,

Reported the same back to the Senate and recommended that the same be laid upon the table.

Report concurred in.

Mr. Cook,

From the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills, report,
That they have presented to the Governor for his signature,
Senate File No. 1,

An act further to restrict the duties of the Superintendent of Public Instruction.

COOK,
Chairman.

Mr. Foster,

From the committee on Engrossed Bills, reported that they had examined

Senate File No. 6,

A bill for an act to provide for the payment of state bonds,
And find the same correctly engrossed.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred
Senate File No. 12,

A bill for an act to elect an additional Justice of the Peace in Centre township, Decatur County, Iowa,

Reported the same back to the Senate with a substitute therefor, which substitute

Was adopted.

Upon motion of Mr. Warner,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

Mr. Anderson from the committee on judiciary, to whom was referred,

Senate File, No. 7,

A bill for an act regulating the interest on money,

Reported the same back with the following amendment, to-wit:

"Money due on contract shall draw such rate of interest as the contract specifies."

Which amendment was agreed to.

Mr. McCrary,

Moved to amend by striking out the word *implied* in section 5,
Which amendment was rejected.

Upon motion of Mr. Saunders,
The bill was laid upon the table.

Mr. Anderson,
From the committee on Judiciary to whom was referred,
Senate File No. 4,

A bill for an act to establish the eleventh judicial district and fix the time of holding courts therein,

Reported the same back to the Senate without an amendment,
and

Recommended its passage.

Mr. Neal,

From the minority of the committee on Judiciary, reported a substitute for

Senate File, No. 4,

A bill for an act to change the boundaries of the fifth and ninth judicial districts,

Which substitute was rejected.

Mr. Brigham,

Moved to lay the bill upon the table.

Motion lost.

Mr. Neal

Moved to amend the bill by striking out the words Marion County.

Amendment lost.

Mr. Ramsay,

Moved to adjourn,

Motion lost.

Mr. Neal,

Moved to amend the bill as follows:

"The first term of court in Marion county shall be at the time now prescribed by law, and the judge of the fifth judicial district shall hold the first term of court in said County."

Upon motion of Mr. Kirkwood,
The Senate adjourned.

TWO O'CLOCK, P. M.

The question being upon the amendment of Mr. Neal to

Senate File No. 4,

Mr. Jordan

Called for the yeas and nays,

Which were as follows :

YEAS—

Senators Brigham, Birge, Carter, Cleaver, Cook, Dale, Foster, Hogan, Jenkins, Kirkwood, McCoy, McCrary, McCulloch, McPherson, Neal, Stewart, Thompson, Thurston, Trimble, Warner, Mr. President.

NAYS—

Senators Anderson, Atkins, Brown, Cattell, Grinnell, Jordan, Loughridge, Matthews, Reed, Rusch, Saunders, Wilkinson.

Amendment adopted.

Mr. Neal

Moved to amend the last clause of the bill by striking out "Knoxville Journal," and inserting "Democratic Standard."

Which amendment was

Lost.

Mr. Neal

Moved to amend by inserting before the words "Knoxville Journal," in the last clause, the words "Democratic Standard."

Which amendment was

Adopted.

Mr. Neal

Moved to further amend the last clause of the bill by adding the words,

"Without expense to the State."

Which motion was

Lost.

On motion of Mr. Anderson,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

Mr. Loughridge,

From the special committee to whom was referred

House File No. 4,

A bill for an act to authorize the county judge of Mahaska county, to borrow certain monies therein named.

Reported the same back to the Senate,

With an amendment inserting an enacting clause,
And recommended that the bill pass.

Report concurred in, and

The bill read a third time,

Passed and the title agreed to.

Mr. Brigham

Offered

Senate File No. 14,

A joint resolution authorizing the special committee on the affairs of the Des Moines River Improvement to employ a clerk and send for persons and papers,

Which was read a first and second times,

And

On his motion,

The eleventh rule was suspended, the resolution read a third time and passed.

Mr. Kirkwood

Presented a communication from Mr. Teesdale, in relation to the failure of a supply of paper to furnish the daily paper.

Which communication,

Was,

On his motion,

Laid on the table.

Mr. Neal

Had leave to introduce

Senate File No. 16,

A bill for an act to repeal an act entitled an act for the suppression of intemperance,

Which was read a first and second times,

Mr. Grinnell

Moved to lay the bill on the table,

Upon which question,

Mr. Neal

Called for the yeas and nays,

Which were as follows:

YEAS—

Senators Anderson, Atkins, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Matthews, McCoy, McCrary, Reed, Saunders, Thompson.

NAYS—

Senators Brigham, Brown, Birge, Dale, Kirkwood, Longhridge, McCulloch, McPherson, Neal, Ramsay, Rusch, Stewart, Thurston, Trimble, Warner, Wilkinson, Mr. President.

On motion of Mr. Trimble,

It was

Resolved, That a special committee of three be appointed by the President of the Senate, to correspond with George Green, formerly one of the Judges of the Supreme Court of this State, to ascertain, if they can, the progress he has made in reference to the reports of said court, now under his control for publication, and to learn what the prospect is for their speedy publication.

The Chair

Announced

Senators Trimble, Jenkins and Thomas said committee.

Message from the House of Representatives,

By Mr. Hepburn, Assistant Clerk.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate,

That the House has ordered to be printed

1000 copies of the State Register's Report.

1000 copies of the State Treasurer's Report.

1000 copies of the Report of the Trustees of the Blind Asylum.

1000 copies of the Report of the Des Moines River and Navigation Company.

1000 copies of the Report of the Trustees and Teachers of the institution for the instruction of the Deaf and Dumb.

W. P. HEPBURN,
Ass't Clerk H. R.

Mr. Grinnell

Had leave to introduce

Senate File No. 16,

A bill for an act to separate the financial from the educational duties of the Superintendent of Public Instruction,

Which was read a first and second times, and

On his motion,

Referred to the committee on Judiciary.

Mr. Anderson,

Had leave to introduce

Senate File No. 17,

A bill for an act to amend an act entitled an act to require County Judges to give bonds,

Which was read a first and second times, and

Upon his motion,

Referred to the committee on Judiciary.

NOTICE OF BILLS.

By Mr. Trimble,

Notice of a bill amending chapter 118 of the Code of Iowa.

Also,

Notice of a bill to modify the homestead law.

Also

Notice of a bill providing for notice by publication in suits commenced in the district courts.

By Mr. Thurston,

Notice of a bill for an act to appropriate so much of the proceeds of the swamp and overflowed lands in each Township in which said lands are located, as may be necessary to drain and make levees in said Township.

By Mr. Loughridge,

Notice of a bill for an act to provide for the redemption of lands sold upon foreclosure of mortgage.

By Mr. Trimble,

Notice of a bill providing for the more efficient collection of taxes due on non-resident lands.

Senate File No. 6,

Upon its third reading,

Was,

On motion of Mr. Saunders,

Referred to the committee on the Judiciary. .

On motion of Mr. Saunders,

House Files No. 3 and 5,

Were taken from the table and

Referred to the committee on Ways and Means.

On motion of Mr. Loughridge,

Mr. Foster had leave of absence until Tuesday morning.

On motion of Mr. McCrary,

The Senate adjourned till ten o'clock A. M. Monday.

SENATE CHAMBER, }
Monday, Dec. 8, 1856.—10 A. M.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

NOTICE OF BILLS.

By Mr. Brigham,

Notice of a bill for an act to provide additional protection for the public monies.

By Mr. Brigham,

Notice of a bill to provide for the transferring a portion of the records at Fort Madison to an office of record at the city of Keokuk Lee county.

By Mr. McCrary,

Notice of a bill making provisions for the Blind Asylum.

Mr. Saunders,

From the committee on Ways and Means, to whom was referred House File No. 3,

A bill for an act to amend chapter 66 of the Code of Iowa,

Reported the same back to the Senate, with an amendment, to-wit:

"That all acts and parts of acts conflicting with any of the provisions of this act, be and the same are hereby repealed,"

And recommended its passage.

The amendment was concurred in.

Mr. Ramsay

Moved to amend section four of the bill, by adding:

"Provided the bonds shall not be less than two hundred thousand dollars,"

Which amendment was adopted,

And the bill

Ordered to be engrossed and read a third time to-morrow.

Mr. Saunders,

From the committee on Ways and Means, to whom was referred House File No. 5,

A bill for an act to provide for the payment of state bonds due the Philadelphia Bank,

Reported the same back with an amendment striking out of section three of the bill the words "three-fourth," and inserting "one-half,"

Which report was adopted.

Mr. Anderson

Moved further to amend by adding to section three the following:

"Provided the treasurer shall not receive more than said sum for

drawing the whole amount of the five per cent fund now due this State, and placing the same in the state treasury,"

Which amendment was rejected.

On motion of Mr. Thompson,
The eleventh rule was suspended, the bill read a third time,
Passed and the title agreed to.

On motion of Mr. Kirkwood,
The Senate re-considered the vote by which
House File No. 3,
Was ordered to a third reading.

Mr. Trimble
Moved to refer the bill to the committee on Ways and Means,
With instructions,
To report certain amendments thereto.
Motion lost.

Mr. Trimble
Offered the following,
As an additional section to the bill:

"That the Treasurer shall report what he makes by exchange on said money, in the same manner as he is required to report the principal fund that is drawn by him, and that the amount so realized for exchange, be set down to the credit of the State."

Which amendment was
Adopted.

Mr. Grinnell
Moved further to amend by adding the following to the additional section:

"If the Treasurer incurs expense in the transaction, the State shall pay the same."

Which amendment was
Rejected.

On motion of Mr. Kirkwood,
The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

Mr. Thompson
To whom was referred

Senate File No. 13,

A bill for an act authorizing the County Judge of Benton county to transcribe the records of said county,

Reported the same back,

With an amendment, and

Recommended that the bill pass,

Which report was concurred in.

On motion of Mr. Thompson,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

Mr. Loughridge

Had leave to introduce

Senate File No. 18,

A bill for an act relating to depositions,

Which was read a first and second times,

And,

On motion of Mr. Brigham,

Referred to the committee on the Judiciary.

On motion of Mr. Wilkinson,

The Senate adjourned until two o'clock P. M.

TWO O'CLOCK, P. M.

REPORTS OF COMMITTEES,

Mr. McCulloch,

From a select committee, to whom was referred a certain petition of citizens of Lee county, reported by bill,

Senate File No. 19,

A bill for an act to vacate part of the state road in the town of Primrose, in Lee county,

Which was read a first and second time, and

On motion of Mr. Brigham

The eleventh rule was suspended, and the bill read a third time, passed and the title agreed to.

Mr. McCoy

Had leave to introduce

Senate File No. 20,

A bill for an act to amend chapter 130 of the code of Iowa.

Which was read a first and second time.

On motion of Mr. Brigham,

The bill was

Referred to the committee on the Judiciary.

NOTICE OF BILLS.

By Mr. Jenkins,

Notice of a bill for an act legalizing the articles of incorporation of the Dubuque and Bellevue Railroad Company, and for other purposes.

Mr. Kirkwood

Had leave to introduce

Senate File No. 22,

A bill for an act for the more equal valuation of property, subject to taxation,

Which was read a first and second time.

On motion of Mr. Thurston,

The bill was laid upon the table and 200 copies of it ordered to be printed for the use of the General Assembly.

Mr. Cattell

Had leave to introduce

Senate File No. 21,

A bill for an act amending chapter 85 of the code of Iowa,

Which was read a first and second time, and,

On motion of Mr. Brigham,

The bill was

Referred to the committee on the Judiciary.

The President

Laid before the Senate the report of the Superintendent of Public Instruction.

On motion of Mr. Ramsay,
The report was laid on the table.

On motion of Mr. Neal,
2000 copies of the report were ordered to be printed for the use of
the Senate.

Mr. Jordan
Had leave to introduce
Senate File No. 24,
A bill for an act establishing a state road from Des Moines city to
the county seat of Marshall county,
Which was read a first and second time, and
On his motion,
Referred to the committee on Roads.

Mr. Matthews
Had leave to introduce
Senate File No. 24,
A bill for an act to amend chapter 49 of the session laws of
1854-5,
Which was
Read a first and second times, and,
On his motion, was
Referred to the committee on the Judiciary.

Mr. Loughridge
Moved that the Senate do now adjourn,
Which motion was
Lost.

Mr. Trimble
Had leave to introduce
Senate File No. 25,
A bill for an act to provide for appeals in criminal cases,
Which was
Read a first and second times, and,
On his motion, was
Referred to the committee on the Judiciary.

On motion of Mr. Jenkins,
The Senate took from the table

Senate File No. 7,
A bill for an act regulating interest on money.

On motion of Mr. Anderson,
The Senate went into a committee of the Whole.

Mr. Anderson in the Chair.

After some time the committee rose and reported progress, and asked leave to sit again to-morrow, which was granted.

On motion of Mr. McCrary,
The Senate adjourned.

SENATE CHAMBER, }
Dec. 9th, 1857—10 A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS.

Mr. Dale

Presented to the Senate the petition of Douglas Dale and 37 others, asking for the enactment of a law legalizing the laying out of the town of Bedford.

On motion of Mr. Neal,
The petition was referred to a select committee of three, of which Mr. Dale was chairman.

The President
Appointed Senators Dale, Stewart and Neal said committee.

Mr. Anderson

Presented a memorial from the members of the bar of Iowa, asking for an increase of the salaries of the judicial officers of the State, &c.

The memorial,

On motion of Mr. McCrary, was

Referred to the committee on the Judiciary.

NOTICE OF BILLS.

By Mr. Dale,

Notice of a bill for an act to locate a state road from Mount Air, the county seat of Ringgold county, to Bedford, the county seat of Taylor county, thence to Clarinda, the county seat of Page county.

By Mr. Anderson,

Notice of a bill for an act to amend section 1464 of the Code of Iowa.

On motion of Mr. McCrary,

The report of the Superintendent of Public Instruction was taken from the table and read.

Mr. Anderson

Moved the report be again laid on the table,

Which motion was lost.

On motion of Mr. Kirkwood,

The Engrossing Clerk was directed to transcribe the financial portion of the report, under the direction of the committee on schools.

Mr. Jenkins

Had leave to introduce

Senate File No. 25,

A bill for an act legalizing the articles of incorporation of the DuBuque and Bellevue Railroad company, and for other purposes,

Which was

Read a first and second times, and,

On his motion,

The eleventh rule was suspended, the bill read a third time,

Passed and the title agreed to.

Message from the House of Representatives,
By Mr. Logan, Chief Clerk.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House has passed

Senate File No. 4,

A bill for an act to establish the eleventh judicial district, and fixing the times of holding courts therein,

With an amendment striking out the words "Knoxville Journal and Democratic Standard,"

In which the House asks the concurrence of the Senate.

J. W. LOGAN,

Clerk.

I am also instructed to inform the Senate that the House has passed without amendment

Senate File No. 14,

Joint resolution authorizing joint committee on Des Moines river affairs to employ a clerk and send for persons and papers.

J. W. LOGAN,

Clerk.

On motion of Mr. Matthews,

The report of the Register of the State Land Office,

Was taken from the table, and

Referred to the committee on Public Lands,

And that said committee be instructed to recommend such additional legislative action as may be necessary to enable this office to perform the service for which it was created.

REPORTS OF COMMITTEES.

Mr. Anderson,

From the committee on the Judiciary to whom was referred

Senate File No. 5,

A bill for an act regulating appeals from Justices of the Peace, in criminal cases.

Reported the same back to the Senate,

With a substitute therefor,

And recommended its passage.

Mr. Loughridge

Offered the following amendment to the substitute:

"That sections 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, and 3367, of the Code of Iowa, be, and the same are, hereby repealed.

Mr. Neal

Moved to amend section two, of the substitute, by striking out the words "at the time of the rendition of the judgment," and inserting "within twenty days."

Message from the House,

By Mr. Logan, Chief Clerk.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate,

That the House has passed

House File No. 5,

A bill for an act to provide for the payment of the State bonds, due to the Philadelphia Bank, on the first day of January, 1857, Concurring in the Senate amendment.

J. W. LOGAN,
Chief Clerk.

I am also instructed by the House to inform the Senate of the passage by the House, of

House File No. 6,

A bill for an act fixing the boundaries of the thirteenth judicial district,

In which the concurrence of the Senate is asked.

J. W. LOGAN,
Chief Clerk.

On motion of Mr. McCulloch,
The Senate adjourned.

THE SENATE.

59

TWO O'CLOCK P. M.

Mr. Neal

Moved the Senate do now adjourn,
Which motion was lost.

The special order being the consideration of
Senate File No. 7,

A bill for an act regulating the interest on money,
The Senate resolved itself into the committee of the Whole, in
pursuance of leave granted.

Senator Anderson in the Chair.

Message from the House of Representatives,
By Mr. Logan, Clerk.

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the
Senate that the House has passed

House File No. 25,

A bill for an act in relation to the boundaries of the tenth judi-
cial district,

In which the House asks the concurrence of the Senate.

J. W. LOGAN,

Clerk H. R.

I am further instructed to inform the Senate that the House has
passed

House File No. 2,

Joint resolution respecting the admission of Kansas as a Free
State.

In which the House asks the concurrence of the Senate.

J. W. LOGAN,

Clerk H. R.

The committee, after some time, through their chairman, rose, re-
ported progress and asked leave to sit again to morrow at 2 o'clock.
Which leave was granted.

RESOLUTIONS.

Mr. Jenkins offered the following resolution :

WHEREAS, Statements appear in the biennial report of the Superintendent of Public Instruction, respecting certain transactions with the Governor of this State, therefore,

Resolved, That the Governor be requested to furnish the General Assembly a statement respecting said transactions, at his earliest convenience.

Mr. Thurston offered as a substitute the following resolution:

Resolved, That a committee of three be appointed to ascertain the reasons why the Governor (after the bonds which he required, had been offered him) refused to make out the certificate which would enable the Superintendent of Public Instruction to draw the five per cent;—and by what authority of law he took the responsibility of refusing to draw this money from the General Government, thereby losing some thousand dollars per month to the State.

Mr. Foster

Moved that both resolutions be laid on the table.

Which motion was lost.

On motion of Mr. Loughridge,
The Senate adjourned.

SENATE CHAMBER, }
Wednesday, Dec. 10, 1856—10 A. M.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

Mr. Foster

Presented a petition from Isaac Farley and 49 others, asking for an alteration in the Iowa City and Oskaloosa road.

The petition was referred to a select committee, composed of the delegation from Washington and Johnson counties.

Mr. McCrary

Presented a petition from H. C. Caldwell and 15 others, citizens of Keosauqua, asking the vacation of a certain alley in said place,

Which petition,

On motion of Mr. McCrary.

Was referred to a select committee of three.

The President

Appointed Senators McCrary, Matthews and Stewart said committee.

REPORTS OF COMMITTEES.

Mr. Cook,

From the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills report that they have examined the following joint resolution, and find the same correctly enrolled, Senate File No. 14,

A joint resolution authorizing the joint committee on Des Moines river affairs to employ a clerk and send for persons and papers.

COOK,
Chairman.

Mr. Trimble,

From the select committee appointed to correspond with Hon. George Green, late one of the Judges of the Supreme Court, presented a letter from Mr. Green,

Which was read, and,

On motion of Mr. Trimble, was
Referred to the committee on the Judiciary.

The President

Laid before the Senate the following communication from the Governor:

EXECUTIVE OFFICE, IOWA CITY, }
December 10th, 1856. }

To the Senate and

House of Representatives:

I herewith transmit for your consideration a "memorial concerning shares in the Des Moines Navigation and Railroad company," addressed to the "Governor of the State of Iowa," by Donald Monroe, of the State of New York, who represents himself to be a stock holder in that company.

JAMES W. GRIMES.

The memorial was read, and,

On motion of Mr. Neal, was

Referred to the committee on Des Moines river affairs.

On motion of Mr. Thompson,

Two additional Senators were appointed members of said committee.

The President appointed Senators Jenkins and Coolbaugh on said committee.

Message from the House of Representatives,

By their Clerk.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate,

That the House has concurred in amendments one and two in House File No. 3,

A bill for an act entitled an act to amend chapter 66 of the Code of Iowa.

But refuses to concur in amendment number three.

The bill is herewith returned,

J. W. LOGAN,

Clerk.

I am further instructed by the House to inform the Senate that the House has passed, without amendment,
Senate File No. 2,

A bill for an act to exempt certain lots in Dubuque, the property of the United States, from taxation.

J. W. LOGAN,
Clerk.

Mr. Loughridge
Had leave to introduce
Senate File No. 28,
A bill for an act to repeal an act in relation to county seats,
Which was read a first and second time, and
On motion of Mr. Jenkins,
The bill was
Referred to the committee on New Counties.

On motion of Mr. Loughridge,
The Senate took up
Senate File No. 4,
A bill for an act establishing the eleventh judicial district and to fix the times for holding courts therein.
Which was returned from the House, with an amendment in section seven, striking out the words, Knoxville Journal and Democratic Standard.

On the question,
Will the Senate concur in the amendment of the House,
Mr. Neal
Called for the yeas and nays,
Which were as follows:

YEAS—

Senators Anderson, Atkins, Brown, Carter, Cattell, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, Reed, Rusch, Saunders, Thompson, Wilkinson, Mr. President—20.

NAYS—

Senators Brigham, Birge, Cleaver, Coolbaugh, Cook, Dale, McCrary, McCulloch, McPherson, Neal, Ramsay, Stewart, Thurston, Trimble, Warner—15.

On motion of Mr. Jenkins,

The resolution of enquiry to the Governor in relation to the five per cent fund, was taken up and read.

Mr. Neal

Moved to amend the substitute,

By striking out:

"Thereby losing some thousand dollars per month to the State."

Motion lost.

Mr. Thurston

Withdrew his substitute, and

The original resolution was passed.

Senate File No. 14,

A joint resolution authorizing the committee on the Des Moines River Improvement affairs, to employ a clerk, and to send for persons and papers,

Was signed by the Speaker of the House, and the President of the Senate, and endorsed by the Secretary, and placed in the hands of the Enrolling Committee, to be presented to the Governor.

Senate File No. 5,

A bill for an act regulating appeals from Justices of the Peace in criminal cases.

On its second reading,

The question being upon Mr. Neal's amendment to the substitute of the committee,

Which amendment was lost.

On motion of Mr. Anderson,

The last section was stricken out and the following inserted,

"Shall take effect from and after its passage."

The bill was

Ordered to be engrossed and read a third time to-morrow.

Senate File No. 6,

A bill for an act fixing the boundaries of the thirteenth judicial district and fixing the times of holding courts therein,

Which was read a first and second times,

And on motion of Mr. Thompson,

Was referred to a select committee of three.

The President appointed
Senators Thompson, Carter and Brown said committee.

Mr. Trimble
Had leave to introduce
Senate File, No. 27,
A bill for an act further regulating the service of original notices,
Which was
Read a first and second times, and
On his motion, was
Referred to the committee on Judiciary.

Mr. Neal
Had leave to introduce
Senate File No. 28,
A bill for an act to repeal an act in relation to divorce and alimony, and to revise chapter 86 of the Code of Iowa.
Which was
Read a first and second times, and,
On his motion, was
Referred to the committee on the Judiciary.

Mr. Trimble
Had leave to introduce
Senate File No. 29,
A bill for an act reducing the width of certain state roads therein named,
Which was
Read a first and second times, and,
On his motion,
The eleventh rule was suspended, and the bill read a third time,
passed and the title agreed to.

Mr. Thompson
Had leave to introduce
Senate File No. 30,
A bill for an act regulating proceedings in the district court for the obtaining of judgment by notice,
Which was
Read a first and second time, and,
On his motion, was
Referred to the committee on the Judiciary.

On motion of Mr. Saunders,

House File No. 3,

A bill for an act entitled an act to amend chapter 66 of the Code of Iowa,

Which was returned from the House of Representatives,

Was taken up.

The question being,

Shall the Senate adhere to the amendment in which the House refused to concur,

The Senate decided to adhere to the amendment.

On motion of Mr. Thompson,

The Senate adjourned.

TWO O'CLOCK, P. M.

The special order being the consideration of

Senate File No. 7,

A bill for an act regulating the interest on money,

The Senate went into committee of the Whole in pursuance of leave granted.

Mr. Anderson in the Chair.

Message from the House of Representatives,

By Mr. Logan, Clerk.

MR. PRESIDENT:

I herewith present for your signature

House File No. 4,

A bill for an act to authorize the county judge of Mahaska county to borrow for county purposes certain monies therein named.

Also,

House File No. 5,

A bill for an act to provide for the payment of the State Bonds due to the Philadelphia Bank on the first day of January, A. D. 1857.

The same having passed both branches of the General Assembly and been signed by the Speaker of the House of Representatives.

J. W. LOGAN,
Clerk.

I am further directed to inform the Senate that the House has passed the following bills, in which they ask the concurrence of the Senate.

House File No. 40,

A bill for an act to define the boundaries of the seventh judicial district and fix the time of holding courts therein.

Also,

House File No. 41,

A bill for an act to establish the twelfth judicial district and fix the times of holding courts therein.

J. W. LOGAN,
Clerk.

After a short session the committee rose and through their chairman reported the bill referred to them and recommended its passage.

Mr. Foster

Moved to postpone the further consideration of the bill until Monday morning at ten o'clock.

Which motion was lost.

Mr. Coolbaugh

Moved the bill be ordered to be engrossed and read the third time on Monday next.

Upon which question,

The yeas and nays were demanded,

Which were as follows :

YEAS—

Senators Brigham, Birge, Carter, Cattell, Cleaver, Coolbaugh, Foster, Grinnell, Hogan, Jenkins, Kirkwood, Neal, Ramsay, Reed, Ruesch, Stewart, Warner, Mr. President—19.

NAYS—

Senators Anderson, Atkins, Brown, Cook, Dale, Jordan, Loughridge, McCoy, McCrary, McCulloch, McPherson, Saunders, Thompson, Thurston, Trimble, Wilkinson—16.

House File No. 25,

A bill for an act in relation to the tenth judicial district.

Read a first and second times, and,

On motion,

Referred to the delegation from Fayette county.

House File No. 2,

A joint resolution relating to the admission of Kansas into the Union.

Was read a first and second time.

Mr. Thurston

Moved the resolution be

Laid upon the table.

Motion lost.

Mr. Saunders

Moved the resolution be

Laid upon the table,

And made the special order for Tuesday, at 2 o'clock, P. M.

Mr. Loughridge

Moved to strike out "2 o'clock" and insert "7 o'clock."

Which amendment was

Lost.

Mr. Saunders' motion prevailed.

Mr. Trimble

Had leave to introduce

Senate File No. 31,

A bill for an act relating to the taking of depositions in cases of non-resident defendants.

Which was read a first and second time.

And on motion of Mr. Loughridge, was
Referred to the committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. Cook,

From the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills, report,

That they have examined the following bills, and find the same correctly enrolled, to-wit:

Senate File No. 4,

A bill for an act to establish the eleventh judicial district, and fixing the time of holding courts therein.

Also,

Senate File No. 2,

A bill for an act to exempt certain lots in Dubuque, the property of the United States from taxation.

COOK,
Chairman.

The committee on enrolled bills report

That they have presented to the Governor the following bills for his approval, to-wit:

Senate File No. 14,

A joint resolution authorizing the committee on Des Moines River Improvement to employ a clerk and to send for persons and papers.

COOK,
Chairman.

House File No. 40,

A bill for an act defining the boundaries of the seventh judicial district, was

Read a first and second times, and,

On motion of Mr. McPherson,

Was referred to a select committee, consisting of the delegation from Polk and Madison counties.

House File No. 42,

A bill for an act to establish the twelfth judicial district, and fixing the times for holding courts therein, was

Read a first and second times, and,

On motion of Mr. Trimble, was

Referred to the committee on the Judiciary.

NOTICE OF BILLS.

By Mr. Neal,

Notice of a bill for an act authorizing and requiring the State Treasurer to loan \$5,000 of the five per cent to the Iowa Central University.

Senate File No. 4,

A bill to establish the 11th judicial district and fix the times for holding courts therein.

Was signed by the Speaker of the House of Representatives and President of the Senate and endorsed by the Secretary and placed in the hands of the Enrolling Committee to be presented to the Governor.

On motion of Mr. Cook,
The Senate adjourned.

SENATE CHAMBER, }
Dec. 11th, 1856—10 A. M. }

The Senate met pursuant to adjournment.

Prayer by the Chaplain,

Journal of yesterday read and approved.

NOTICE OF BILLS.

By Mr. McPherson,
Notice of a bill for an act repealing that part of section 2705 of the Code which makes prosecutions for adultery dependent on the complaint of the husband or wife.

By Mr. McPherson,
Notice of a bill for an act regulating and fixing the time for filing pleadings in the District Courts of this State.

By Mr. Trimble,
Notice of a bill for an act providing for an appropriation to increase the State Law Library.

By Mr. Loughridge,
Notice of a bill for an act to incorporate the Oskaloosa College.

By Mr. Atkins,
Notice of a bill to restrain hogs and sheep from running at large in Winnesheik county.

By Mr. Saunders,
Notice of a joint memorial asking of Congress increased mail facilities.

REPORTS OF COMMITTEES.

Mr. Thompson,
From a special committee to whom was referred
House File No. 6,
A bill for an act fixing the boundaries of the thirteenth judicial district, and the times of holding courts therein.
Reported the same back to the Senate,
And recommended its passage,
The bill was
Ordered to be engrossed and read a third time to-morrow.

Mr. Thompson,
Had leave to introduce
Senate File No. 82,
A bill for an act vacating the public square in Mount Vernon, Linn County, Iowa.
Which was read a first and second time and on his motion,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

REPORTS OF COMMITTEES.

Mr. Anderson,

From the committee on Judiciary, to whom was referred

Senate File No. 18,

A bill for an act relating to depositions,

Reported the same back to the Senate, and

Recommended its passage.

On motion of Mr. Jenkins,

The eleventh rule was suspended, the bill read a third time,

Passed and the title agreed to.

Mr. Cattell,

From the committee to whom was referred

The report of the contingent fund of the Supreme Court,

Reported that the committee had examined the account and found the same correct.

Mr. Cook,

From the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills report that they have presented to the Governor for his approval,

Senate File No. 4,

A bill for an act to establish the eleventh judicial district and fix the time for holding courts therein.

COOK,
Chairman.

Mr. Anderson,

Had leave to introduce

Senate File No. 33,

A bill for an act to repeal part of section 1464 of the code of Iowa,

Which was read a first and second time, and,

On motion of Mr. Cattell,

Referred to the committee on the Judiciary.

Mr. McCulloch,
 Had leave to introduce,
 Senate File No. 34,
 A joint resolution to procure additional mail facilities,
 Which was
 Read a first and second times, and,
 On motion of Mr. Jenkins, was
 Referred to the committee on Federal Relations.

Mr. McPherson
 Had leave to introduce
 Senate File No. 35,
 A bill for an act to incorporate the city of Winterset, in Madison
 county, Iowa,
 Which was
 Read a first and second times, and,
 On motion of Mr. Test, was
 Referred to the committee on Incorporations.

The President
 Laid before the Senate a communication from the Superintendent
 of Public Instruction,
 Which was read.

Mr. Grinnell
 Moved to lay the communication on the table.

Mr. Neal
 Moved to amend the motion by ordering 3000 copies of the com-
 munication to be printed in connection with the former report of
 the Superintendent of Public Instruction.

The President
 Decided the amendment not in order.

The motion to lay the communication on the table prevailed.

On motion of Mr. McPherson,

It was
Resolved, That a committee on Incorporations be added to the
 list of standing committees of the Senate.

The President

Appointed Senators Matthews, Warner, Cattell, Ramsay and Read.

On motion of Mr. Kirkwood,

The Senate resolved itself into a committee of the Whole, to take into consideration

Senate File No. 22,

A bill for an act for the more equal valuation of real property for taxation,

Senator Matthews in the Chair.

The committee, after a short session, rose, reported progress, and asked leave to sit again this afternoon at two o'clock,

Which leave was granted.

Senate File No. 2,

A bill for an act to exempt certain lots in Dubnque, the property of the United States, from taxation,

Was signed by the Speaker of the House of Representatives and President of the Senate, and endorsed by the Secretary, and placed in the hands of the enrolling committee to be presented to the Governor.

Message from the House,

By Mr. Logan, Chief Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House of Representatives has passed

House File No. 49,

A bill for an act authorizing the School Fund Commissioner of Wapello county to pay money to school district No. 2, in Washington township.

In which they ask the concurrence of the Senate.

J. W. LOGAN,
Chief Clerk.

Mr. Foster

From the committee on Engrossed Bills, made the following report:

The committee on engrossed bills, report that they have examined the following bill and find the same correctly engrossed :

Senate File No. 5,

A bill for an act regulating appeals from justices of the peace in criminal cases.

CHARLES FOSTER,
Chairman.

NOTICE OF BILLS.

By Mr. Brown,

Notice of a bill for an act to establish a state road from Clayton City to some point on the Des Moines River in Kossuth county.

On motion of Mr. Cleaver,
The Senate adjourned.

TWO O'CLOCK P. M.

The Senate resolved itself into the committee of the Whole, in pursuance of leave granted.

Senator Matthews in the Chair.

After some time the committee rose and reported that they had made some progress, and asked leave to sit again,
Which leave was granted.

Message from the House of Representatives,
By Mr. Logan, Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following bills, in which they ask the concurrence of the Senate.

House File No. 18,

A bill for an act to change the boundaries of the ninth judicial district.

Also,

House File No. 39,

A bill for an act for the relief of David Hain.

Also,

Substitute for

Senate File No. 12,

A bill for an act to provide for the election of an additional justice in Centre township, Decatur county, Iowa.

I am further instructed to inform the Senate that the House has passed the following Senate Files, without amendment:

Senate File No. 19,

A bill for an act to vacate a part of a state road in the town of Primrose, Lee county.

Also,

Senate File No. 13,

A bill for an act authorizing the county judge of Benton county to transcribe the records of the county.

J. W. LOGAN,
Chief Clerk.

On motion of Mr. Saunders,

A committee of conference was appointed to confer with a committee of the House of Representatives upon the matter of the disagreement of the Senate and House of Representatives, upon the amendment to

House File No. 3,

A bill for an act to amend chapter 66 of the Code.

The President

Appointed Senators Saunders, Coolbaugh and Cleaver, managers of the conference upon the part of the Senate.

The President

Laid before the Senate the following communication from the Secretary of State.

OFFICE OF THE CENSUS BOARD, }
Iowa City, Dec. 1st, 1856. }

*To the Honorable,
the General Assembly of
the State of Iowa :*

GENTLEMEN :—

Herewith we transmit an abstract of the Census of the State, as shown by the returns of the township assessors of the several counties in the State.

The annexed tabular statement marked "A" shows the aggregate population of the State, by counties;—also the agricultural statistics.

The statement marked "B," the occupations;—that marked "C" the place of nativity of the inhabitants of the State, by counties.

The statement marked "D" shows the aggregate population of each county, by townships; also the agricultural statistics, occupations, and nativity of the inhabitants of the several counties.

The returns of the assessors show that the Census has been taken, and returns made in a very imperfect manner, and that many important omissions have been made—some assessors omitting the nativity entirely—some the occupations—and many others the agricultural statistics, &c., whilst all the unorganized counties, and two of the organized, (Warren and Woodbury), have been entirely omitted.

No returns have been received from the following townships, to-wit:

Fremont township, Bremer county.

Polk township, Cedar county.

Howard and Jamestown townships, Howard county.

Brandon and Butler townships, Jackson county.

Centre township, Pottawattomie county.

Tarkio township, Page county.

Hardin and Yell townships, Webster county.

Application has been made to the county Judges of the several counties above named, for the copies of the returns in their respec-

tive offices, to supply these omissions. Should the returns come to hand during your present session, they will be sent in immediately.

All of which is respectfully submitted.

By order of the Census Board,

GEO. W. McCLEARY,

Secretary.

The President

Laid before the Senate a communication from the Governor, in relation to a resolution of the Senate, calling for a response to the matters contained in the biennial report of the Superintendent of Public Instruction, in relation to the management of the five per cent funds,

Mr. Grinnell

Moved that 3000 copies of the communication be printed in connection with the biennial report of the Superintendent of Public Instruction, for the use of the General Assembly.

Mr. Neal

Moved to lay the motion to print on the table,

Which motion was lost.

Mr. Trimble

Moved to amend by striking out the words, "in connection with the biennial report of the Superintendent of Public Instruction,"

Which amendment was lost.

Mr. Grinnell's motion to print, &c., was adopted.

Mr. Neal

Moved to take from the table the communication of the Superintendent of Public Instruction, and called for the yeas and nays, which were as follows:

YEAS—

Senators Anderson, Atkins, Brigham, Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Hogan, Jenkins, Jordan, Kirkwood, McCoy, McCrary, McCulloch, McPherson, Neal, Ramsay, Reed, Rusch, Stewart, Thurston, Trimble, Warner—25.

NAYS—

Senators Brown, Grinnell, Loughridge, Matthews, Saunders, Test, Thompson, Wilkinson, Mr. President—9.

Motion lost.

Message from the House of Representatives,
By Mr. Logan, Chief Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed,
without amendment,

Senate File No. 32,

A bill for an act to vacate the public square in Mount Vernon, in
Linn county.

I am further instructed to inform the Senate that the House has
appointed the following committee of conference on amendment No.
three to

House File No. 3,

A bill for an act to amend chapter 66 of the Code of Iowa, entitled
school lands and school funds.

Committee,

Messrs. Cloud, Bailey and Franklin.

J. W. LOGAN,
Clerk.

Mr. Trimble

Moved that the Senate do now adjourn,

Upon which motion,

The yeas and nays were demanded,

Which were as follows:

Yeas 12, nays 23.

YEAS—

Senators Brigham, Brown, Burge, Cook, Dale, Foster, Jenkins,
McCulloch, McPherson, Thompson, Trimble, Wilkinson, Mr. Presi-
dent—12.

NAYS—

Senators Anderson, Atkins, Carter, Cattell, Cleaver, Coolbaugh,
Foster, Grinnell, Hogan, Jordan, Kirkwood, Loughridge, Matthews,
McCoy, McCrary, Neal, Ramsay, Reed, Ruesch, Saunders, Stewart,
Test, Thurston, Warner—23.

Motion lost.

Mr. Test

Moved that the communication be referred to the committee on Public Lands,

Which motion was lost.

The communication was read.

On motion of Mr. Coolbaugh,

The communication was referred to the committee on Schools.

On motion of Mr. Wilkinson,

The Senate adjourned.

SENATE CHAMBER, }
Dec. 12th, 1857—10 A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

RESOLUTIONS.

Mr. Coolbaugh

Offered the following concurrent resolutions:

Resolved by the Senate, (the House concurring,) That a joint committee, to consist of members on the part of the Senate, and of members on the part of the House of Representatives, be appointed to examine into all matters pertaining to the school and university fund and the present condition of the same; and that the said committee be instructed to report, particularly, as to the amounts loaned by the Superintendent of Public Instruction out of the school fund, to whom loaned, when loaned, on what time, at what rate of interest, the amount of each loan, on what security, and the value and character of such security taken for the loans so made.

Resolved, That the committee be further instructed to make the same examination of the condition of the university fund, and report upon the same points as enumerated in the preceding resolution; and that the committee be further instructed to inquire into the sales of all school, saline or university lands, which may have been made since the passage of the act of the General Assembly, regulating the sale of such lands, approved January 25, 1855, and whether there has been any violation on the part of the Superintendent of Public Instruction, board of Trustees of the State University, or any other public officers, of the provisions or spirit of said act.

Resolved, That said committee be further instructed to examine the books, monies and accounts of the State Treasurer, State Auditor and Register of the State Land Office, and report upon the same and that they be empowered with authority to administer oaths and send for persons and papers.

On motion of Mr. Trimble,
The first blank was filled with "three."

On motion of Mr. Test,
The second blank was filled with "four."

The resolutions, as amended, were adopted.

NOTICE OF BILLS.

By Mr. Matthews,
Notice of a bill for an act to authorize the re-survey of lands in certain cases.

By Mr. Brigham,
Notice of a joint resolution in relation to the establishment of a custom house and marine hospital in the city of Keokuk.

By Mr. Brigham,
Notice of a bill for an act relating to the Navigation and Hydraulic Company of the Mississippi Rapids.

By Mr. Brigham,
Notice of a bill for an act to amend section 706, of chapter 43, of the Code of Iowa.

Message from the House of Representatives,
By Mr. Logan, Clerk.

MR. PRESIDENT :

I am instructed to inform the Senate that the House of Representatives has passed

House File No. 59,

Joint resolution in relation to swamp and overflowed lands,

In which they ask the concurrence of the Senate.

J. W. LOGAN,
Clerk H. R.

Mr. Stewart

Offered a concurrent resolution :

Resolutions of instruction to the committee on Des Moines improvement affairs,

Which was adopted by the Senate.

Mr. Trimble

Had leave to introduce

Senate File No. 36,

A joint resolution and memorial for increased mail facilities,

Which was

Read a first and second times, and

On his motion, was

Referred to the committee on Federal Relations.

REPORTS OF COMMITTEES.

Mr. Jordan,

From the committee on Public Buildings, to whom was referred that part of the Governor's message relating to the State Penitentiary,

Reported by bill

Senate File No. 37,

A bill for an act to provide for the appointment of Warden of the Penitentiary, and to amend the several acts relative to the discipline and government of the Penitentiary,

Which was

Read a first and second times, and,

On his motion, was

Laid upon the table.

Mr. McCrary,

From the special committee to whom was referred a petition from citizens of Keosauqua,

Reported by bill

Senate File No. 38,

A bill for an act to vacate an alley in the city of Keosauqua,

Which was read a first and second time, and

On his motion,

The eleventh rule was suspended, and the bill read a third time, passed and the title agreed to.

Mr. Brown,

From the committee on New Counties, to whom was referred

Senate File No. 26,

A bill for an act to repeal an act in relation to county seats,

Reported the same back to the Senate, with the following substitute:

“A bill for an act amending section first of an act entitled an act in relation to county seats,”

Which substitute was read.

Mr. Thompson

Moved to amend the substitute by striking out after the word “provided,” and insert “that the removal thereof shall not be petitioned for oftener than once in five years.”

Mr. Brigham moved that the Senate go into the committee of the Whole, to take into consideration the substitute,

Which motion was lost.

Mr. Brigham

Moved to indefinitely postpone the further consideration of the bill, substitute and amendment.

The question being on the amendment of Mr. Thompson,

Mr. Cattell demanded the yeas and nays,

Which were as follows:

Those voting Yea were—

Senators Anderson, Atkins, Dale, Jordan, Thompson—5.

Those voting Nay were—

Senators Brigham, Brown, Burge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Grinnell, Hogan, Jenkins, Kirkwood, Loughridge,

Matthews, McCoy, McCrary, McCulloch, McPherson, Neal, Ramsay, Reed, Rusch, Saunders, Stewart, Test, Thurston, Trimble, Warner, Wilkinson, Mr. President—30.

Amendment rejected.

Mr. Thompson

Moved to amend by inserting after the word "same" in the first section of the substitute "as provided for in the act to which this is an amendment."

Amendment rejected.

Mr. Test

Moved to re-commit the bill and substitute to the committee on New Counties.

Motion lost.

Mr. Read

Moved to refer the bill and substitute to a special committee.

Mr. Test

Demanded the yeas and nays,

Which were as follows :

The yeas were—

Senators Atkins, Carter, Coolbaugh, Cook, Dale, Jordan, Kirkwood, Longbridge, McPherson, Neal, Reed, Rusch, Saunders, Test, Thompson, Thurston—16.

The nays were—

Senators Anderson, Brigham, Brown, Birge, Cattell, Cleaver, Grinnell, Hogan, Jenkins, Matthews, McCoy, McCrary, McCulloch, Ramsay, Stewart, Trimble, Warner, Wilkinson, Mr. President—19.

Motion lost.

Mr. Carter

Moved to adjourn,

Which motion was lost.

Mr. Thurston

Moved to lay the whole subject on the table,
Which motion was lost.

On motion of Mr. Kirkwood,
The Senate adjourned.

TWO O'CLOCK, P. M.

On motion of Mr. Test,
A call of the Senate was ordered.

Senators Foster, Neal and Grinnell absent.

On motion,
Mr. Foster was excused and the Sergeant-at-Arms ordered to bring in the absentees.

Mr. Grinnell appeared in his seat.

On motion of Mr. Matthews,
Further proceedings under the call were dispensed with.

The Senate having under consideration,
Senate File No. 26,
Mr. Thurston moved to postpone the further consideration thereof to the third day of January.
Motion lost.

Mr. Thurston
Moved to commit the bill,

The Chair
Decided the motion to commit not in order, a motion to commit having been voted down by the Senate, in the same stage of the bill.

From which decision,
Mr. Test appealed to the Senate.

The question being,
Shall the decision of the Chair be the decision of the Senate,
The same was decided in the affirmative.

Mr. Thurston
Moved to lay the bill and substitute upon the table, and
Called for the yeas and nays upon the motion,
Which were as follows;

Those voting yea were—

Senators Brown, Carter, Jordan, Kirkwood, Loughridge, McPherson, Neal, Reed, Test, Thompson, Thurston, Trimble—11.

The nays were—

Senators Anderson, Atkins, Brigham, Burge, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Matthews, McCoy, McCrary, McCulloch, Ramsay, Rusch, Saunders, Stewart, Warner, Wilkinson, Mr. President—24.

Motion lost.

Mr. Carter

Moved to amend the substitute by striking out "five" and inserting "three" before the word "years."

Upon which motion,

Mr. Test

Called for the yeas and nays,

Which were as follows :

The yeas were—

Senators Atkins, Brown, Carter, Coolbaugh, Dale, Foster, Grinnell, Jordan, Kirkwood, Loughridge, McCoy, McPherson, Saunders, Test, Thompson, Thurston—15.

The yeas were—

Senators Anderson, Brigham, Birge, Cattell, Cleaver, Cook, Hogan, Jenkins, Matthews, McCrary, McCulloch, Ramsay, Rusch, Stewart, Trimble, Warner, Wilkinson, Mr. President—18.

Amendment lost.

Mr. Test

Moved to amend by striking out the word five and inserting two.
Which amendment was adopted.

Message from the House of Representatives,
By J. W. Logan, chief clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House of Representatives has ordered three thousand copies of the report of the Superintendent of Public Instruction to be printed for the use of the House.

J. W. LOGAN,
Clerk H. R.

I am further directed to inform the Senate that the House has passed

House File No. 19,

A bill for an act to legalize the organization of Ringgold county, and the election and official acts of its officers.

Also,

House File No. 29,

A bill for an act providing for the election of an additional justice of the peace in Davenport township, Scott county.

In which the House asks the concurrence of the Senate.

J. W. LOGAN,
Clerk.

On motion of Mr. Test,

The bill and substitute under consideration were re-committed to the committee on New Counties.

The President

Laid before the Senate the following communication from the Governor:

EXECUTIVE OFFICE, IOWA CITY, }
December 12th, 1856. }

To the Senate and

House of Representatives:

GENTLEMEN:—

I have the honor to transmit herewith the report of the Hon. Horace Mann and Hon. Amos Dean, composing a majority of the commissioners appointed to revise the school laws of the State.

I think the report will be found to contain the wisdom and experience of the best educationists of this country, and that the adoption of the system recommended will result advantageously to the State.

I know, gentlemen, that you will join me in an expression of thanks to the distinguished acting commissioners who have so generously devoted their time and labor to this work, without expense to the State.

JAMES W. GRIMES.

On motion of Mr. Jenkins,

The communication and documents were laid upon the table, and made the special order for to-morrow at 10 o'clock.

Mr. Saunders

Upon the part of the managers of the conference appointed to confer with a committee from the House of Representatives, in regard to the disagreement of the Senate and House of Representatives upon an amendment to

House File No. 3,

Reported that the committee had agreed upon the amendment with the following added thereto, to-wit:

"And that the Treasurer of State may retain from said money the sum of two hundred and fifteen dollars, as a compensation for his services."

Which report was concurred in by the Senate, and the bill passed as amended.

Mr. Cook,

From the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills, report,

That they have examined the following bills, and find the same correctly enrolled, to-wit:

Senate File No. 13,

A bill for an act to authorize the county Judge of Benton county to transcribe the records of said county.

Also,

Senate File No. 19,

A bill for an act to vacate part of a state road in the town of Primrose, Lee county.

Also,

Senate File No. 32,

A bill for an act vacating the public square in the town of Mount Vernon, Linn county.

The committee on enrolled bills report

That they have presented to the Governor the following bill for his approval, to-wit:

Senate File No. 2,

A bill for an act to exempt certain lots in Dubuque, the property of the United States, from taxation.

COOK,
Chairman.

Mr. Stewart

Had leave to introduce

Senate File No. 39,

A bill for an act ceding to the United States exclusive jurisdiction and exemption from taxation of certain lands,

Which was

Read a first and second times, and

Referred to the committee on Public Lands.

Mr. Loughridge

Gave notice of a bill to restrain killing game at certain seasons of the year.

Mr. Grinnell

Had leave to introduce

Senate File No. 40,

A bill for an act to protect the wool growing interests of the State by the destruction of wolves,

Which was

Read a first and second times, and,

On his motion, was

Referred the committee on Agriculture.

Mr. Loughridge

Had leave to introduce

Senate File No. 41,

A bill for an act to incorporate an institution of learning at Okaloosa, in Mahaska county, Iowa,

Which was read a first and second times, and

On his motion,

Referred to the committee on Schools.

On motion of Mr. Carter,

The Senate adjourned.

SENATE CHAMBER, }
Dec. 13th, 1856—10 A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain. ●

Journal of yesterday read and approved.

The President appointed

Senators Coolbaugh, Saunders and Trimble committee on the part of the Senate, to act with a committee on the part of the House of Representatives, in the matter of investigation of the management of the school fund, &c.

The following bills, having been signed by the Speaker of the House of Representatives and President of the Senate, and endorsed by the Secretary, were placed in the hands of the enrolling committee, to be presented to the Governor, to-wit:

Senate File No. 13,

A bill for an act authorizing the county judge of Benton county to transcribe the records of said county.

Senate File No. 19,

A bill for an act to vacate part of the state road in the town of Primrose, Lee county.

Senate File No. 32,

A bill for an act vacating the public square in Mt. Vernon, Linn county.

The special order being the report of the Commissioners of Common Schools,

The report was read.

Mr. Brigham

Moved to lay the report upon the table, and that 300 copies be printed for the use of the Senate.

Mr. Test

Moved to amend by striking out "Report."

The amendment was rejected.

The motion of Mr. Brigham was adopted.

NOTICE OF BILLS.

By Mr. Brown,

Notice of a bill for an act to protect the fruit growing interest.

Mr. Neal

Offered the following resolution,

Which was adopted.

WHEREAS, It has become public rumor that certain combinations have been entered into by certain officers of the State University, in the purchase of school lands, resulting in detriment to the educational fund of the State,

Therefore, be it

Resolved, By the Senate, that the Superintendent of Public Instruction be, and is, hereby required to furnish to the Senate copies of any correspondence between the superintendent and the Register of the State Land Office, and the Secretary of the Board of Trustees of the State University, upon said subject.

By Mr. Trimble,

Notice of a bill repealing so much of chapter 100 of the Code, as allows a "challenge to the panel of the Grand Jury," in certain cases.

By Mr. Trimble,

Notice of a bill for an act providing that no plea in abatement shall be allowed to any indictment which appears regular on its face, and appears to have been found and presented in accordance with the requirements of law.

By Mr. Test,

Notice of a bill for an act to amend the charter of the city of Council Bluffs.

By Mr. Reed,

Notice of a bill for the location of the Deaf and Dumb Asylum in Fairfield, Jefferson county.

By Mr. Coolbaugh,

Notice of a preamble and joint resolution to the Congress of the United States, in reference to the duty on Railroad iron.

By Mr. Coolbaugh,

Notice of a memorial to Congress in favor of the repeal of all duties on sugar and molasses.

Leave of absence was granted to Mr. Cattell till Monday noon.

Leave of absence was granted to Mr. Wilkinson till Tuesday morning.

Leave of absence was granted to Mr. Loughridge for one week.

REPORTS OF COMMITTEES.

Mr. Grinnell,

From the committee on Schools, to whom was referred

House File No. 41,

A bill for an act to incorporate an institution of learning in Osage, Mahaska county,

Reported the same back to the Senate, and recommended its passage.

On motion of Mr. Loughridge,

The bill was laid on the table.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred

Senate File No. 2,

A bill for an act regulating changes of venue in criminal cases,
Reported the same back to the Senate, with a substitute therefor
and recommended its passage,

Which substitute was adopted, and
Ordered to be engrossed and read a third time to-morrow.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred
Senate File No. 21,

A bill for an act to amend chapter 85 of the Code of Iowa,
Reported the same back to the Senate, and recommended its in-
definite postponement.

The report was not concurred in, the bill was read a third time,
and lost.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred.
Senate File No. 30,

A bill for an act regulating proceedings in the district court, for
the obtaining of judgment by notice.

Reported the same back and recommended its indefinite postpone-
ment.

On motion of Mr. Trimble,
The bill was laid on the table.

Mr. Anderson,

From the same committee, to whom was referred
Senate File No. 20,

A bill for an act amendatory of chapter 130 of the Code of Iowa,
Reported the same back, with a substitute therefor, and recom-
mended its passage.

Mr. Neal

Moved to indefinitely postpone the substitute and
Called for the yeas and nays,
Which were as follows:—

The yeas were—

Senators Brigham, Coolbaugh, McCulloch, Neal, Ramsay, Stew-
art, Test, Thurston, Trimble, Warner, Wilkinson—12.

Those voting nay were—

Senators Anderson, Atkins, Brown, Birge, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Reed, Saunders, Mr. President—18.

The motion was lost.

The substitute was adopted.

The question being,

Shall the substitute be ordered to be engrossed and read a third time to-morrow,

Mr. Neal

Called for the yeas and nays,

Which were as follows :

The yeas were—

Senators Anderson, Atkins, Brown, Carter, Cattell, Cleaver, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Reed, Saunders, Wilkin: son, Mr. President—21.

The nays were—

Senators Brigham, Birge, Coolbaugh, Cook, Dale, McCulloch, Neal, Ramsay, Stewart, Test, Thurston, Trimble, Warner—18.

Mr. Test

Moved the bill be laid upon the table.

Motion lost.

Message from the House of Representatives,

By Mr. Logan, Clerk.

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate,

That the House has concurred in the resolution providing for a committee to investigate the condition of the School Fund, and appointed a committee of five, to manage the investigation on the part of the House.

THE SENATE

25

Committee,

Messrs. Chow, Hardie of Dubuque, Davis, Van Valteburgh, and Kirkpatrick.

J. W. LOGAN,

Chief Clerk.

I am also instructed by the House to request the Senate to furnish the House with a copy of the Governor's communication, stating his reasons for not furnishing the Superintendent of Public Instruction with the necessary papers to enable him to draw the five per cent fund.

J. W. LOGAN,

Clerk H. R.

MR. PRESIDENT:

I am further directed to inform the Senate that the House has passed

House File No. 16,

A bill for an act to locate a state road in Marion county.

Also,

House File No. 33,

A bill for an act authorizing the sub-division of lands in the State, In which they ask the concurrence of the Senate.

I herewith present for your signature

House File No. 3,

A bill for an act to amend chapter 86 of the Code of Iowa, entitled school lands and school funds,

The same having passed both branches of the General Assembly and been signed by the Speaker of the House.

The House has also ordered printed 200 copies of

House File No. 64,

For the use of the House.

Also,

100 copies of the concurrent resolutions giving instructions to the committee on Des Moines River Improvement.

J. W. LOGAN,

Clerk

Mr. Anderson,

From the committee on the Judiciary, to whom was referred
Senate File No. 24,

A bill for an act to amend chapter 49 of the session laws of
1854—5,

Reported the same back to the Senate with a substitute therefor,
and recommended its passage.

The substitute was adopted, and

Ordered to be engrossed and read a third time to-morrow.

Mr. Jenkins

Moved to adjourn,

Which motion was lost.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred
Senate File No. 17,

A bill for an act to amend an act entitled an act to require county
Judges to give bonds,

Reported the same back to the Senate and recommended its pas-
sage.

The eleventh rule was suspended, the bill read a third time,

Passed and the title agreed to.

Mr. Anderson,

From the same committee to whom was referred.

Senate File No. 26,

A bill for an act regulating the service of original notices.

Reported the same back to the Senate, and

Recommended its passage.

The eleventh rule was suspended, the bill read a third time, pas-
sed and the title agreed to.

Mr. Anderson,

From the same committee to whom was referred

A memorial of the bar of Iowa,

Reported upon so much of the memorial as related to the State
University, by

Senate File No. 42,

A bill for an act to provide for appropriations to increase the State
library, and

Recommended the blanks to be filled and its passage.

Read a first and second times, and,
On motion of Mr. Coolbaugh,

The bill was reported to the committee on State Library.

On motion of Mr. McCrary,
The Senate adjourned until ten o'clock on Monday morning.

SENATE CHAMBER, }
Dec. 15th, 1856—10 A. M. }

The Senate met pursuant to adjournment.

Prayer by the Chaplain,

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

Mr. Foster

Presented a petition from Hiram Scofield and 115 others, for additional terms of the district court being held in Washington county.

The petition,

On motion of Mr. Foster, was
Referred to the committee on the Judiciary.

Mr. McPherson

Presented a petition from S. S. Beale and 18 others, asking for the laying out of a certain state road in Adair and Cass counties,

Which was,

On his motion,
Referred to the committee on Roads.

Mr. Foster

Presented a petition from Isaac Farley and 36 others, asking for the alteration of the state road located on the line between Johnson and Washington counties.

On motion of Mr. Foster,

The petition was

Referred to the delegation from Johnson and Washington counties.

RESOLUTION.

Mr. Matthews

Offered the following resolution,

Which was adopted:

Resolved, That the committee on Ways and Means be instructed to enquire into the expediency of revising an act of the last regular session, entitled an act relating to State Printing.

NOTICE OF BILLS.

By Mr. Trimble,

Notice of a bill for an act limiting the time of suing out writs of error to Justices of the Peace in criminal cases.

By Mr. McCrary,

Notice of a bill for an act to provide for the Deaf and Dumb Asylum.

By Mr. Neal,

Notice of a bill to locate an institution for the Blind at Knoxville, Marion county.

REPORTS OF COMMITTEES.

The committee on Enrolled Bills report that they have presented to the Governor, for his approval, the following bills, to-wit:

Senate File No. 19,

A bill for an act to vacate part of a state road in the town of Primrose, Lee county.

Also,

Senate File No. 18,

A bill for an act authorizing the county judge of Benton county to transcribe the records of said county.

Also,

Senate File No. 32,

A bill for an act vacating a public square in Mount Vernon, Linn county.

COOK,
Chairman.

MR. PRESIDENT:

The committee on engrossed bills have examined the following bills, and find the same correctly engrossed:

Senate File No. 7,
A bill for an act regulating the interest on money.

Also;

Senate File No. 9,
Substitute. A bill for an act regulating changes of venue in criminal cases.

Also,

Senate File No. 20,
A bill for an act relating to evidence.

Also,

Senate File No. 24,
A bill for an act to amend chapter 49 of the session laws of 1854-5.

CHARLES FOSTER,
Chairman.

The report of the Warden of the Penitentiary was received, and

On motion of Mr. Thurston,
It was laid upon the table, and
100 copies ordered to be printed for the use of the Senate.

On motion of Mr. Brigham,

The message from the Secretary of State was taken from the table, and

The Census Board were authorized to have printed 5000 copies of their Report for the use of the General Assembly, on such terms as they could secure the printing to be executed.

Mr. Brigham,

Had leave to introduce

Senate File No. 43,

Joint resolution and memorial to Congress for a Marine Hospital
and Custom House at Keokuk,

Which was

Read a first and second times, and,

Ordered to be engrossed and read a third time to-morrow.

Mr. Brigham,

Had leave to introduce

Senate File No. 44,

An act to amend section 706 of the Code,

Which was

Read a first and second times, and

On his motion,

Referred to the committee on Judiciary.

Mr. Brigham,

Had leave also to introduce

Senate File No. 45,

A bill for an act relating to the Navigation and Hydraulic Compa-
ny of the Mississippi Rapids,

Which was

Read a first and second times, and

On his motion, was

Referred to the committee on Internal Improvements.

Mr. Brigham,

Also had leave to introduce

Senate File No. 46,

A bill for an act to establish a Recorder's Office in the city of Keo-
kuk,

Which was

Read a first and second times, and

On his motion,

Referred to a special committee composed of the Senators from
Lee county.

Mr. McCrary

Had leave to introduce

Senate File No. 47,

A bill for an act providing for the education of the blind,

Which was

Read a first and second times, and

On motion of Mr. Anderson,
Referred to the committee on Charitable Institutions.

Mr. Anderson

Had leave to introduce

Senate File No. 43,

A bill for an act for the permanent location of the asylum for the
Blind,

Which was read a first and second times, and

On his motion,

Referred to the committee on Charitable Institutions.

Mr. Trimble

Had leave to introduce

Senate File No. 49,

A bill for an act legalizing a certain state road therein named,
Which was read a first and second times, and

On motion of Mr. Neal,

Referred to a select committee,

Consisting of

Senators from the counties of Davis, Marion and Monroe.

Mr. Trimble,

Also, had leave to introduce

Senate File No. 50,

A bill for an act authorizing private persons to sue out writs of
mandamus,

Which was read a first and second times, and

On his motion,

Referred to the committee on the Judiciary.

Mr. Trimble

Also had leave to introduce

Senate File No. 51,

A bill for an act repealing part of chapter 166 of the Code,
Which was

Read a first and second times, and,

On his motion, was

Referred to the committee on the Judiciary.

Mr. Trimble

Also had leave to introduce

Senate File No. 52,

A bill for an act further regulating indictments in criminal cases,

Which was

Read a first and second times, and,

On his motion, was

Referred to the committee on the Judiciary.

Mr. Dale

Had leave to introduce

Senate File No. 53,

A bill for an act to locate a state road from Mount Air, in Ringgold county, to Clarinda, in Page county,

Which was

Read a first and second times.

Mr. Coolbaugh

Offered the following amendment to the last section of the bill :

"Provided the State shall be in no wise responsible for any expense created or growing out of the establishment of said road or highway,"

Upon which amendment,

Mr. Coolbaugh called for the yeas and nays,

Which were as follows :

Those voting yea were :

Senators Atkins, Brigham, Brown, Birge, Cleaver, Coolbaugh, Cook, Foster, Hogan, Jordan, Matthews, McCrary, McCulloch, Ramsay, Stewart, Thurston; Mr. President—17.

The nays were :

Senators Carter, Dale, Grinnell, Jenkins, McCoy, McPherson, Neal, Reed, Saunders, Test, Trimble, Warner—12.

Mr. Anderson was excused from voting.

The amendment was adopted.

Mr. Neal

Offered the following amendment :

"Provided, That the act shall be published at the expense of the State."

Amendment adopted.

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

Mr. McPherson,

Had leave to introduce

Senate File No. 54,

A bill entitled an act regulating the time of filing pleadings in the District Courts.

Which was

Read a first and second times, and

On his motion,

Referred to the committee on the Judiciary.

Mr. McPherson

Had leave to introduce

Senate File No. 55,

A bill for an act to repeal the last clause of section 2705 of the Code of Iowa.

Which was

Read a first and second times, and

On his motion,

Referred to the committee on the Judiciary.

Mr. McPherson

Had leave to introduce

Senate File No. 56,

A bill for an act to locate and establish a state road from Osceola, in Clark county, to Somerset, in Adair county.

Which was

Read a first and second time, and

On his motion,

Referred to the committee on the Judiciary.

Mr. Thurston

Had leave to introduce

Senate File No. 57,

A bill for an act to exempt the homestead from taxation, and to assess lands separate and apart from their improvements.

Which was

Read a first and second times, and

On motion of Mr. Kirkwood,

The bill was laid upon the table, and

100 copies ordered to be printed for the use of the Senate.

Mr. Foster

Had leave to introduce

Senate File No. 58,

A bill for an act to protect game.

Which was

Read a first and second times, and

On motion of Mr. Neal,

The bill was referred to a special committee.

The President appointed

Senators Thurston, Jenkins and Dale said committee.

Mr. Brown

Had leave to introduce

Senate File No. 59,

A bill for an act to locate a state road from Clayton City to the Des Moines River,

Which was read a first and second time, and

On his motion,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

On motion of Mr. Warner,

The Senate adjourned.

TWO O'CLOCK, P. M.

On motion of Mr. Neal,

Senate File No. 7,

A bill for an act regulating interest on money,

Was taken up and

Referred to a special committee.

The President appointed

Senators Neal, Jenkins and Gleaver said committee.

Senate File No. 12,

A bill for an act to elect an additional justice of the peace in Centre township, Decatur county, Iowa,

Was returned to the Senate from the House of Representatives with a substitute,

Which was adopted.

The substitute was read a first and second time and

On motion of Mr. Warner,

The eleventh rule was suspended; the substitute read a third time, passed and the title agreed to.

Senate File No. 5,

A bill for an act regulating appeals from justices of the peace and mayors in criminal cases.

Read a third time,

Passed and the title agreed to.

House File No. 13,

A bill for an act to change the boundaries of the ninth judicial district, was

Read a first and second times, and,

On motion of Mr. Trimble, was

Referred to the committee on the Judiciary.

House File No. 29,

A bill for an act to provide for the election of an additional Justice of the Peace in Davenport, Scott county, was

Read a first and second times, and,

On motion of Mr. Grinnell,

Was amended by striking out Scott county, in the last clause of the last section.

Mr. Saunders

Moved to amend the last section by adding :

"Provided it shall not be at the expense of the State,"

Which amendment was adopted,

And the bill

Ordered to be engrossed and read a third time to-morrow.

House File No. 39,

A bill for an act for the relief of David Hain, was

Read a first and second times, and,

On motion of Mr. Trimble, was

Referred to the committee on Claims.

House File No. 17,

A bill for an act to legalize the organization of Ringgold county, and the election and official acts of its officers, was

Read a first and second times.

Mr Neal

Moved to amend the last section by adding:

"Without expense to the State,"

Which amendment was adopted,

And the bill

Ordered to be engrossed and read a third time to-morrow.

House File No. 54,

A joint resolution and memorial relating to swamp and overflowed lands,

Which was

Read a first and second times, and

On motion of Mr. Cleaver,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

House File No. 49,

A bill for an act authorizing the school fund commissioner of Wapello county to pay money to district No. 2 in Washington township, was

Read a first and second times, and,

On motion of Mr. Ramsay,

The eleventh rule was suspended, the bill read a third time,

Passed and the title agreed to.

House File No. 16,

A bill for an act to establish a state road in Marion county, was

Read a first and second times, and,

On motion of Mr. Coolbaugh, was

Referred to the committee on Roads,

With instructions to report the roads provided for in the bills referred to them in one bill.

House File No. 33,

A bill for an act authorizing the subdivision of lands in this State, was

Read a first and second times, and,

On motion of Mr. Jenkins, was

Referred to the committee on Roads.

Senate File No. 9,

A bill for an act regulating change of venue in criminal cases,
was

Read a third time,

Passed and the title agreed to.

Senate File No. 20,

A bill for an act relating to evidence, was

Read a third time.

The question being upon its final passage,

Mr. Neal called for the yeas and nays,

Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brown, Carter, Cattell, Cleavor, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Matthews, McCoy, McCrary, McPherson, Reed, Saunders, Mr. President—19.

The nays were—

Senators Brigham, Birge, Coolbaugh, Cook, Dale, McCulloch, Neal, Ramsay, Stewart, Test, Thurston, Trimble, Warner—13.

The bill was

Passed and the title agreed to.

On motion of Mr. Brown,

The vote by which the title was agreed to, was re-considered.

Mr. Neal

Moved to amend the title by substituting the following:

“A bill for an act to equalize the white, the black, and the mongrel races.”

Mr. McPherson

Offered as a substitute for the amendment:

“An act to repeal a tyrannical prohibition of the Code, placed there by the Democratic Party of this State.”

Substitute lost.

Mr. Test

Offered as a substitute to the amendment:

“An act carrying out the policy of the Black Republicans.”

Substitute lost.

The question being upon the amendment of Mr. Neal,

Mr. Kirkwood

Called for the yeas and nays,

Which were as follows :

The yeas were—

Senators Neal, Test, Thurston—3.

The nays were—

Senators Anderson, Atkins, Brigham, Brown, Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Matthews, McCoy, McCrary, McCulloch, McPherson, Ramsay, Saunders, Stewart, Trimble, Warner, Mr. President—29.

The amendment was lost, and

The original title agreed to.

Message from the House of Representatives,

By Mr. Logan, Clerk.

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate,

That the House has passed the following bills, in which they ask the concurrence of the Senate.

House File No. 9,

A bill for an act to establish a state road from Council Bluffs City to Sioux City, Woodbury county, Iowa.

House File No. 14,

A bill for an act to establish a state road from Reed's Mill, Pottawattomie county, to Correctionville, in Woodbury county.

House File No. 19,

A bill for an act establishing a state road from Adams and Searts bridge in Shelby county, to Magnolia in Harrison county.

House File No. 20,

A bill for an act to establish a state road from Panora in Guthrie county, to Soldier Creek in Harrison county.

House File No. 26,

A bill for an act to locate a state road from Boonesboro to the Minnesota line.

House File No. 27,

A bill for an act to locate a state road from Marietta to the Minnesota line.

House File No. 28,

A bill for an act to locate a state road from Cedar Falls to Sioux City.

House File No. 42,

A bill for an act to restrain swine from running at large in the counties of Black Hawk and Buchanan.

House File No. 55,

Memorial to Congress for a grant of land to aid in the construction of the McGregor, St. Peters and Missouri River Railroad.

House File No. 65,

A bill for an act to create the county of Hamilton.

I am further directed to inform the Senate that the House has ordered the following printed:

3000 copies of the reply of the Governor to the Superintendent of Public Instruction.

Also,

400 copies of the report of the committee to revise the School Laws.

J. W. LOGAN,
Chief Clerk.

The President

Laid before the Senate a communication from the Secretary of State.

Mr. Neal

Moved that 3000 copies of the communication be printed.

Mr. Jenkins

Moved to amend by ordering 200 copies to be printed for the use of the Senate.

On motion of Mr. Test,
The communication was laid upon the table.

Mr. Grinnell

Offered the following resolution :

Resolved, (the House concurring), That the General Assembly will adjourn at 12 o'clock at noon, on Friday, the 19th inst., until the first Monday in January, 1857.

On motion of Mr. Neal,
The resolution was laid upon the table.

Mr. Neal

Offered the following resolution :

Resolved, That the use of the Senate chamber be granted to the citizens of Iowa City, for the purpose of a cotillion party, at such time as they may designate.

On motion of Mr. Jordan,
The resolution was laid upon the table.

Mr. Reed

Had leave to introduce
Senate File No. 60,

A bill for an act to locate and establish an asylum for the deaf and dumb.

Which was read a first and second times, and

On motion of Mr. Jenkins,
Was referred to the committee on Charitable Institutions.

Mr. Kirkwood

Offered the following resolution :

Resolved, That the use of the Senate chamber be granted to the Superintendent of the Blind Asylum for an exhibition of his pupils on Tuesday evening next.

Resolution adopted.

On motion of Mr. McCulloch,
The Senate adjourned.

SENATE CHAMBER, }
Dec. 16th, 1856—10 A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

Mr. Trimble

Presented a memorial from the Judge of the Supreme Court,

Which was read, and,

On motion of Mr. Saunders, was

Referred to the committee on Judiciary.

RESOLUTIONS AND NOTICES OF BILLS.

Mr. McCrary

Introduced the following resolution,

Which was adopted:

Resolved. That P. B. Bradley be allowed the sum of thirty-five dollars for his services as Secretary *pro tem*, and for mileage during the present session of the General Assembly.

By Mr. Grinnell,

Notice of a bill for the location of the Blind Asylum at Newton, Jasper county.

By Mr. McPherson,

The following resolution:

WHEREAS, It appears from the biennial report of the Superintendent of Public Instruction that he has loaned a considerable portion of the school fund belonging to the State of Iowa,

AND WHEREAS, There is some question whether or not he has authority of law for loaning said school fund or any part thereof, therefore,

Resolved, That the Attorney General of this State shall give his opinion in writing to the Senate, respecting the authority of the Superintendent to loan said fund.

The resolution was adopted.

Mr. Cleaver

Had leave to introduce

Senate File No. 61,

A joint resolution and memorial for additional mail facilities,
Which was

Read a first and second times, and,

On his motion,

The eleventh rule was suspended, the bill read a third time,

Passed and the title agreed to.

Mr. Anderson

Had leave to introduce

Senate File No. 62,

A joint resolution and memorial for additional mail facilities,
Which was

Read a first and second times, and,

On his motion, was

Referred to the committee on Federal Relations.

Mr. Test

Offered the following resolution,

Which was adopted:

Resolved, That the committee to whom was referred the investigation of the affairs of the Des Moines River Improvement, be required to investigate the accounts, vouchers, and official transactions of William McKay, former Commissioner of the Des Moines River Improvement.

REPORTS OF COMMITTEES.

Mr. Matthews,

From the committee on Incorporations, to whom was referred

Senate File No. 35,

A bill entitled an act to incorporate Winterset,

Reported the same back to the Senate, with one amendment, to-wit:

"The expense of publication to be paid by said city," and recommended its passage.

The amendment was adopted,

And the bill

Ordered to be engrossed and read a third time to-morrow.

Mr. McPherson,

From the special committee to whom was referred

House File No. 40,

A bill for an act to define the boundaries of the seventh judicial district, and to fix the times of holding courts therein.

Reported the same back to the Senate, and recommended its passage.

On motion of Mr. McPherson,

The eleventh rule was suspended, the bill read the third time, passed and the title agreed to.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred.

Senate File No. 51,

A bill for an act repealing so much of the Code of Iowa as gives the right of challenge to the panel of the Grand Jury.

Reported the same back to the Senate, with one amendment, to-wit:

"Strike out all of section two, after the word "publication" and insert "according to law."

Amendment adopted.

The bill was

Ordered to be engrossed and read a third time to-morrow.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred

Senate File No. 55,

A bill for an act entitled an act to repeal the last clause of Section 2705 of the Code of Iowa.

Reported the same back to the Senate with one amendment, to-wit:

"Section 2. This act to take effect and be in force from and after its publication according to law."

Amendment adopted.

Mr. Test

Moved to indefinitely postpone the bill.

On motion of Mr. Warner,

The Senate adjourned.

TWO O'CLOCK P. M.

Mr. Coolbaugh

Presented the report of the commissioners of the State Lunatic Asylum,

Which was,

On his motion,

Referred to the committee on Charitable Institutions.

The Senate having under consideration

Senate File No. 55,

A bill for an act to repeal the last clause of section 2705 of the Code.

Mr. Test

Moved to lay the bill on the table,

Which motion was lost.

Mr. Trimble

Offered a substitute for the bill,

A bill for an act to punish fornication.

Message from the House of Representatives,

By J. W. Logan, chief clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the following concurrent resolutions:

Resolved, That the House, with the consent of the Senate, adjourn on Tuesday, the 23d inst., to meet again on the first Monday of January next.

Also,

That the House has indefinitely postponed

Senate File No. 18,

A bill for an act in relation to depositions.

J. W. LOGAN,

Clerk H. R.

Mr. Anderson

Offered an amendment to the first section of the substitute, to-wit:—

“And that the last clause of section 2705 of the Code of Iowa, including these words, “No prosecution for adultery can but be commenced on the complaint of the husband or wife,” is hereby repealed.”

Which amendment was lost.

The question being upon the substitute of Mr. Trimble,

Mr. McPherson

Called for the yeas and nays,

Which were as follows:

The yeas were—

Senators Birge, Dale, Stewart, Test, Trimble, Warner—6.

The nays were—

Senators Anderson, Atkins, Brigham, Brown, Carter, Cattell, Cleaver, Coolbaugh, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Matthews, McCoy, McCrary, McCulloch, McPherson, Neal, Ramsay, Reed, Saunders, Thompson, Thurston. Mr. President—27.

The substitute was not adopted.

Mr. Test

Offered the following as an amendment to the bill:

“Every person who shall commit the crime of adultery, shall be punished by fine not exceeding fifty dollars.

Section 2705 of the Code is hereby repealed,”

Which amendment was lost.

The question being on Mr. Test's motion to indefinitely postpone the bill,

Motion lost.

The bill was read a third time, passed and the title agreed to.

House File No. 2,

A joint resolution relating to the admission of Kansas,

Being the special order, was,

On motion of Mr. Neal,

Laid on the table,

And made the special order for to-morrow afternoon at two o'clock.

The President

Laid before the Senate a communication from the Superintendent of Public Instruction,

Which was read, and,

On motion of Mr. Trimble, was

Laid upon the table,

And 200 copies ordered to be printed for the use of the Senate.

On motion of Mr. Coolbaugh,

The communication was referred to the special joint committee.

House File No. 6,

A bill for an act fixing the boundaries of the thirteenth judicial district, and fixing the times of holding courts therein,

Was read the third time.

On motion of Mr. Grinnell,

The bill was referred to the delegation from Winnesheik, Dubuque, Linn, Powesheik and Clayton counties.

House File No. 17,

A bill for an act to legalize the organization of Ringgold county, and the election and official acts of its officers.

Read a third time;

Passed and the title agreed to.

House File No. 29,

A bill for an act providing for the election of an additional justice of the peace, in Davenport township, Scott county.

Read the third time,

Passed and the title agreed to.

Senate File No. 24,

A bill for an act to amend chapter 46 of the session laws of 1854-5.

Read a third time,

Passed and the title agreed to.

House File No. 9,

A bill for an act to establish a state road from Council Bluffs City to Sioux City in Woodbury county.

Which was read a first and second times, and

On motion of Mr. Test, was

Referred to the committee on Roads.

House File No. 14,

A bill for an act to establish a state road from Bell's Mills to Correctionville. Woodbury county.

Which was

Read a first and second times, and,

On motion of Mr. Test,

Was referred to the committee on Roads.

House File No. 19,

A bill for an act to establish a State road from Adams' & Sweet's Bridge, in Shelby county, to Magnolia, in Harrison county.

Which was

Read a first and second times, and

On motion of Mr. Test, was

Referred to the committee on Roads.

House File No. 20,

A bill for an act to establish a State road from Panora, in Guthrie county, to Soldier Creek, in Harrison county.

Which was

Read a first and second times, and

On motion of Mr. Test,

Referred to the committee on Roads.

House File No. 26,

A bill for an act to locate a state road from Boonsboro to the Minnesota line.

Which was read a first and second times, and

On motion of Mr. Test, was

Referred to the committee on Roads.

House File No. 27,

A bill for an act to locate a state road from Marietta to the Minnesota line.

Which was read a first and second times, and

On motion of Mr. Test,

Referred to the committee on Roads.

House File No. 28,

A bill for an act to locate a state road from Cedar Falls to Sioux City.

Which was

Read a first and second times, and,

On motion of Mr. Test,
Referred to the committee on Roads.

The concurrent resolution of the House in relation to an adjournment, was taken up.

Mr. Neal

Moved to amend the resolution by striking out Tuesday the 23d, and inserting Friday, the 19th,
Which amendment was rejected.

On motion of Mr. Coolbaugh,

The resolution was amended by striking out House and inserting General Assembly.

Mr. Foster

Offered the following as a substitute:

Resolved, That the General Assembly will adjourn on the 24th of December, until the 26th day of the same month; also, on the 31st of December until the 2d day of January next.

Mr. Anderson

Moved to lay the substitute and resolution on the table,
Which motion was lost.

Mr. Foster withdrew his substitute.

Mr. Thompson

Offered the following amendment,

Resolved, (the House concurring) That the General Assembly of the State of Iowa adjourn from the 20th day of December, 1856, until the 2d day of January, 1857.

The amendment was not adopted.

Mr. Neal

Moved to amend by striking out 23d and inserting 20th,
Which amendment was lost.

Mr. Anderson

Offered the following resolution:

Resolved, That we meet at nine o'clock A. M. during the session.

On motion of Mr. Test,
The Senate adjourned.

SENATE CHAMBER, }
Dec. 17th, 1856—10 A. M. }

The Senate met pursuant to adjournment.

Prayer by the Chaplain,

Journal of yesterday read and approved.

Message from the House of Representatives,
By Mr. Logan, Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, in which they ask the concurrence of the Senate.

House File No. 8,

A bill for an act establishing a state road from Dennison, Crawford county, to Magnolia, in Monona county.

Also,

House File No. 31,

A bill for an act to establish a state road from Independence to New Hampton.

Also,

House File No. 37,

A bill for an act defining the boundaries of the sixth judicial district.

Also,

House File No. 38,

A bill for an act to locate a state road from Centreville, in Appanoose county, to Ottumwa, in Wapello county.

Also,

House File No. 50,

A bill for an act to incorporate the town of Glenwood, in Mills county.

Also,

House File No. 51,

A bill for an act creating a state road therein named.

Also,

House File No. 60,

Joint resolution asking additional mail facilities in the State of Iowa.

Also.

House File No. 62,

A bill for an act authorizing the school commissioner of Warren county to pay certain monies.

Also,

House File No. 68,

Joint resolution asking a daily mail in four horse coaches from Iowa City via Des Moines to Council Bluffs City.

J. W. LOGAN,

Clerk.

PETITIONS AND MEMORIALS.

Mr. McPherson

Presented a petition from James C. Gibbs and 17 others, asking for a bill for an act to change the name of the town of Somerset, in Adair county, to Fontenelle.

The petition was,

On motion of Mr. McPherson,

Referred to the delegation from Warren, Madison, Adair and Cass counties.

Mr. Neal

Presented a petition from A. Pearson and 65 others, asking for the establishment of a state road from the city of Knoxville, in Marion county, to Gosport in said county.

The petition was,

On motion of Mr. Neal,

Referred to the delegation from Marion county.

Mr. Neal

Presented a petition from T. A. Rogers and 62 others, asking for a state road from Bellefontaine, in Mahaska county, *via* Attica and Gosport to Chariton in Lucas county.

The petition,

On motion of Mr. Neal, was

Referred to the delegation from Marion county.

RESOLUTIONS.

Mr. Kirkwood

Introduced the following resolution, to-wit:

Resolved, That the Register of the State Land Office inform the Senate whether the Superintendent of Public Instruction has by himself or in combination with any others, purchased any of the University lands.

Resolved, That the Secretary of the Board of Trustees of the State University be required to transmit to the Senate a copy of all proceedings had by the Board in relation to alleged frauds in the purchase of University lands by any of the members of said board; Which resolution was adopted.

Mr. Coolbaugh

Offered the following resolution:

Resolved, That the joint committee to investigate the accounts of the Superintendent of Public Instruction, State Treasurer and other public officers, be allowed to employ a clerk, Which resolution was adopted.

NOTICE OF BILLS.

By Mr. Thompson,

Notice of a bill for an act authorizing the county Judge of Linn county to transcribe certain records of said county.

By Mr. McPherson,

Notice of a bill for an act to change the name of Somerset, in Adair county, to Fentenelle.

By Mr. McPherson,

Notice of a bill for an act locating the Asylum for the Deaf and Dumb at Wintersett, in Madison county.

By Mr. McPherson,

Notice of a bill for an act to establish a state road from Wabla-wah, in Adair county, to D. Morrison's, in Cass county.

By Mr. Warner,

Notice of a bill for an act legalizing certain sales of school lands made by John Jordan as school fund commissioner of Decatur county in the month of February, 1855.

Mr. Grinnell

Had leave also to introduce

Senate File No. 68,

A joint resolution for additional mail facilities,

Which was

Read a first and second times, and

On his motion, was

Ordered to be engrossed and read a third time to-morrow.

Mr. Foster,

From the committee on Engrossed Bills, made the following report:

The committee on engrossed bills have examined the following bills, and find the same correctly engrossed:

Senate File No. 43,

Joint resolution in relation to the establishment of a Custom House and Marine Hospital in the city of Keokuk.

Senate File No. 51,

An act repealing so much of chapter 166 of the Code of Iowa, as gives the right of challenge of the panel of the grand jury.

CHARLES FOSTER,

Chairman.

On motion of Mr. Neal,

It was

Resolved, That the Attorney General of the State of Iowa furnish the Senate, within a reasonable time, an official opinion upon the following questions:

Could any of the trustees of the State University, either directly or indirectly, become purchasers of the University lands—especially if said lands were sold at a less price than their actual value.

Upon the state of facts as they appear in the answer of the Superintendent of Public Instruction, to a resolution of the Senate,

made to the Senate by the Superintendent on the 16th of December, 1856,

Is the sale of lands made to the trustees of the State University, valid—or do such persons hold said lands in trust for the State University.

Mr. Neal

Had leave to introduce

Senate File No. 64,

A joint resolution and memorial for additional mail facilities.

Which was

Read a first and second times, and

On his motion,

Ordered to be engrossed and read a third time to-morrow.

Mr. Foster,

From the committee on Agriculture, to whom was referred

Senate File No. 40,

A bill for an act to protect the wool-growing interests of the State.

Reported the same back, with amendments, to-wit:

A substitute for section two of the bill, and an amendment providing for the fee for justice of the peace.

The first amendment was adopted.

On motion of Mr. Saunders,

The amendment of the committee was amended by striking out fifty cents, and inserting twenty-five cents.

Mr. Neal

Offered the following amendment:

That any wolf or other voracious beast which shall feloniously, maliciously and unlawfully, attack with intent to kill, or do great bodily injury to any sheep, ass, or other domestic animal shall on being duly convicted thereof, be declared an enemy to our Republic and institutions, and an outlaw, and it shall be lawful for the person aggrieved by such attack, to pursue and kill such beast wherever it shall be found, and if such beast unlawfully resist, the injured party may notify the Governor, who shall thereupon call out the militia of the State to resist said voracious beast, and if the militia of the

State should be overcome in such battle, then the Governor is authorized to make a requisition upon the President of the United States, for troops.

Mr. Anderson

Moved to indefinitely postpone the bill.

Mr. Grinnell

Moved to amend the amendment by adding the words,
Provided, This shall not apply to any person connected with the
Knoxville Banking Institution, reported in Wall street,
Which amendment was lost.

The question being upon Mr. Neal's amendment,
The amendment was rejected.

Mr. Thurston

Moved to amend the substitute for section two, so that the bounty shall be paid out of the county treasury.

On motion of Mr. Saunders,
The bill was re-committed to the committee on Agriculture.

REPORTS OF COMMITTEES.

The committee on Enrolled Bills report that they have examined the following bills and find the same correctly enrolled.

House substitute for
Senate File No. 12,

An act to provide for the election of an additional justice of the peace in Centre township, Decatur county, Iowa.

COOK,
Chairman.

Mr. Anderson,

From the committee on the Judiciary to whom was referred
Senate File No. 52,

A bill for an act further regulating the pleading in criminal cases.

Reported the same back to the Senate with the following amendments, to-wit:

In section one: Strike out the words "in any criminal pleadings and district."

In section two: Strike out all after the words "publication" and insert "according to law."

And recommended its passage.

The amendments were adopted, and the bill

Ordered to be engrossed and read a third time to-morrow.

Mr. Anderson,

From the same committee to whom was referred

Senate File No. 28,

A bill for an act to repeal an act in relation to divorce and alimony, and to revive part of chapter 86 of the Code of Iowa.

Reported the same back to the Senate, with the following amendment, and recommended its passage, to-wit:

In section two: After the figures "86" insert "except the eighth provision of section No. 1482."

Which amendment was adopted, and the bill

Ordered to be engrossed and read a third time to-morrow.

Mr. Anderson,

From the same committee, to whom was referred

Senate File No. 44,

A bill for an act to amend section 706, chapter 43, of the Code of Iowa.

Reported the same back to the Senate, and recommended its indefinite postponement.

Which report was adopted.

Mr. Thurston

Had leave to introduce

Senate File No. 65,

A joint resolution and memorial to Congress for enlarging the boundaries of the State of Iowa.

Which was

Read a first and second times, and,

On motion of Mr. Test,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

Mr. Kirkwood

Offered the following resolution,

Which was adopted.

Resolved, That the use of the Senate chamber on the afternoon

and evening of the 24th inst., be granted to the ladies of the Sewing Society of the Methodist Church of this city.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred

Senate File No. 50,

A bill for an act authorizing private persons to sue out writs of mandamus,

Reported the same back to the Senate with two amendments,

Insert the word *quo warranto*, before the word *mandamus*, wherever it occurs ;—

2d. Strike out the word "publication," and insert "according to law."

The amendments were adopted,

And the bill

Ordered to be engrossed and read a third time to-morrow.

Mr. Anderson,

From the same committee, to whom was referred

A memorial in relation to the salaries of the Supreme and District court Judges,

Reported to the Senate, by bill,

Senate File No. 66,

A bill for an act fixing the salaries of the Supreme and District Judges of this State, and providing for their payment, and recommended the Senate to fill the blanks therein, and pass the bill.

Read a first and second times, and,

On motion of Mr. Trimble,

The bill was laid upon the table, and made the special order for to-morrow at two o'clock P. M.

Mr. Anderson,

From the same committee, to whom was referred

Senate File No. 49,

A bill for an act providing for appeals in criminal cases,

Reported the same back to the Senate, with certain amendments, and recommended their adoption, and the passage of the bill.

On motion of Mr. Neal,

The bill was laid upon the table.

Mr. Neal

Had leave to introduce

Senate File No. 67,

A bill for an act requiring the State Treasurer to loan \$5000 of the five per cent fund to the Central University of Iowa,

Which was

Read a first and second times.

On his motion, was

Referred to the committee on Schools.

On motion of Mr. Foster,

The Senate adjourned.

TWO O'CLOCK, P. M.

The special order being

House File No. 2,

The same was taken up and read as follows :

JOINT RESOLUTION.

Instructions to our Senators and Representatives in Congress, in relation to slavery and the admission of Kansas into the Union.

WHEREAS, Under the Constitution of the United States Freedom is National, and Slavery, Sectional—and believing that the peace, welfare and honor of the country imperitively require that our National domain shall be preserved Free, for Free Homes, for Free Men;—and believing it to have been the policy of our Fathers, dictated by reason and exalted patriotism, to prohibit the extension of Slavery, and make Freedom the law of our National Progress—

Therefore be it

Resolved by the General Assembly of the State of Iowa, That we are unqualifiedly opposed to the further extension of Slavery within the jurisdiction or by the sanction of the General Government, and insist that Congress shall exert all constitutional power to preserve our National Territory Free.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to exert their influence and vote for the

admission of Kansas into the Union as a Free State, and to oppose its admission with a constitution establishing or tolerating Slavery.

Resolved, That the Governor be and is hereby requested to transmit a copy of the above preamble and resolutions to each of our Senators and Representatives in Congress.

Mr. Brigham

Offered the following substitute for the joint resolution :

Resolved, (By the General Assembly of the State of Iowa), That it is the imperative duty of the General Government to protect all actual residents in the respective territories of the United States, and all persons seeking homes there, in the free and full enjoyment of all legal and constitutional rights of person and property.

Resolved, That our Senators in Congress be instructed, and our Representatives respectfully requested, to use all constitutional means in their power, to cause an immediate repeal of all laws of the Territory of Kansas, which unreasonably abridge the right of suffrage, require extraordinary test oaths as a qualification for civil or political office, and are incompatible with the rights of free speech and a free press.

Resolved, That while we entertain and express the confident hope that the people of Kansas will at a proper time organize, and adopt for her government a constitution prohibiting the institution of domestic slavery, we still recognize their right to determine and manage their own domestic institutions in their own way, and be admitted as one of the States of this Union. *Provided*, Her Constitution and form of government be Republican.

The question being upon adopting the substitute,

Mr. Coolbaugh demanded the yeas and nays,

Which were as follows :

YEAS—

Senators Brigham, Birge, Coolbaugh, Dale, McCulloch, Neal, Ramsay, Stewart, Test, Thurston, Trimble, Warner, Wilkinson—
13.

NAYS—

Senators Anderson, Atkins, Brown, Carter, Cattell, Cleaver,

Cook, Foster, Grinnell, Hogan, Jordan, Matthews, McCoy, McCrary, McPherson, Rusch, Saunders, Thompson, Mr. President—19.

Substitute rejected.

Mr. Neal

Moved to amend the preamble by inserting after the word "freemen," the words. "without distinction of color."

A call of the House was ordered.

Mr. Jenkins absent.

On motion of Mr. Cleaver.

Further proceedings under the call were dispensed with.

Upon the amendment of Mr. Neal,

The yeas and nays being demanded,

Were as follows:

YEAS—

Senators Coolbaugh, McCulloch, Neal, Rusch, Thurston—5.

NAYS—

Senators Anderson, Atkins, Brigham, Brown, Birge, Carter, Cattell, Cleaver, Cook, Dale, Foster, Grinnell, Hogan, Jordan, Kirkwood, Matthews, McCoy, McCrary, McPherson, Ramsey, Reed, Saunders, Stewart, Test, Thompson, Trimble, Warner, Wilkinson, Mr. President—29.

Amendment rejected.

Mr. Coolbaugh

Moved to amend the resolutions by adding the following:

Resolved, That our Senators in Congress be further instructed, and our Representatives requested to vote against any repeal or modification of the present naturalization laws.

Mr. Saunders

Moved to lay the amendment on the table,

Upon which motion,

Mr. Trimble

Called for the yeas and nays,

Which were as follows:

YMAS—

Senators Anderson, Atkins, Brown, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Hogan, Jordan, Kirkwood, Matthews, McCoy, McCrary, McPherson, Reed, Saunders, Thompson, Wilkinson, Mr. President—21.

NARS—

Senators Brigham, Birge, Coolbaugh, Dale, McCulloch, Neal, Ramsay, Rusch, Stewart, Test, Thurston, Trimble, Warner—13.

Message from the House of Representatives,
By Mr. Logan, Chief Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the following bills, in which they ask the concurrence of the Senate.

House File No. 32,

A bill for an act to re-locate so much of the State road from Centreville to Marietta, as is in Appanoose county.

Also,

House File No. 70,

A bill for an act to change the name of Blakesburgh to Cleveland.

Also,

House File No. 79,

Joint resolution asking additional mail facilities.

Also,

House File No. 80,

Joint resolution asking for additional mail facilities.

Also,

House File No. 82,

Joint resolution asking additional mail facilities.

Also,

House File No. 84,

Joint resolution asking additional mail facilities.

Also,

House File No. 99,

A bill for an act to provide for transcribing the records of Pottawattomie county.

I am further directed to inform the Senate that the House has passed, without amendment, the following Senate Files :

No. 25,

A bill for an act legalizing the articles of incorporation of the Dubuque and Bellevue Railroad Company, and for other purposes.

Also,

No. 29,

A bill for an act reducing the grades of certain state roads therein named.

I am further instructed to inform the Senate that the House has ordered to be printed for the use of the General Assembly,

200 copies of

House File No. 84,

A bill for an act to provide for the laying out and surveying of state roads.

MR. PRESIDENT:

I herewith present for your signature

House Files Nos. 40, 49 and 54,

The same having passed both branches of the General Assembly, and been signed by the Speaker of the House of Representatives.

J. W. LOGAN,

Clerk H. R.

On motion of Mr. McPherson.

The vote by which the substitute offered by Mr. McCulloch was rejected, was re considered.

Mr. Kirkwood

Offered the following amendment to the substitute:

To insert after the words, their own way, and before the words, and be admitted, in the latter part of the substitute, the following:

Provided, That the power of the people who may settle in our territories to establish therein the systems of human slavery or polygamy is not essential to the free enjoyment by them of all the rights of self-government.

Mr. Thurston

Called for a division of the question upon the amendment, as to questions of Slavery and Polygamy.

On motion of Mr. Thurston,

The Senate adjourned until to-morrow at nine o'clock A. M.

SENATE CHAMBER, }
Dec. 18th, 1856—9 A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of Mr. Thurston,

The regular order was suspended, and the Senate took up the concurrent resolution of the House of Representatives, in relation to adjournment.

Mr. Foster

Moved to strike out of the resolution Monday, January 5th, 1857, and insert Monday, December 29th, 1856,

Which motion was lost.

On motion of Mr. Jenkins,

The vote by which the House resolution was amended, was reconsidered.

Mr. Jenkins

Offered the following as an amendment to the resolution :

Resolved, That the Senate and House of Representatives adjourn on Tuesday, the 23d inst., to meet again on the first Monday of January.

Mr. Test

Moved to strike out Tuesday, the 23d, and insert Saturday, 20th,

Which motion was lost.

The question being upon Mr. Jenkins' resolution,

The yeas and nays were demanded,

Which were as follows:

The yeas were :

Senators Anderson, Atkins, Brown Birge, Cleaver, Dale, Grinnell, Hogan, Jenkins, Jordan, McCrary, McCulloch, McPherson, Neal, Ramsay, Reed, Rusch, Stewart, Thurston, Wilkinson, Mr. President—21.

The nays were:

Senators Brigham, Carter, Cattell, Coolbaugh, Cook, Foster, Kirkwood, Matthews, McCoy, Saunders, Test, Thompson, Trimble,—18.

The amendment was adopted.

Leave of absence was granted to Mr. Neal from Friday the 19th inst., until the adjournment.

PETITIONS.

Mr. Thompson

Presented a petition from S. M. Brice and 72 others, asking for a law to appoint commissioners to locate a state road from Centre Point in Linn county, to a point near S. M. Lockhart's house in Benton county, thence to Independence, in Buchanan county.

On motion of Mr. Thompson,
The petition was referred to a special committee.

The President appointed
Senators Thompson, Brown and Reed said committee.

RESOLUTION.

Mr. Neal

Offered the following resolution :

Resolved, That the Superintendent of Public Instruction be required to answer, respond to or explain the allegations of the Governor, made in response to the resolution of the Senate of the 10th inst.,

Which resolution was lost.

NOTICE OF BILLS.

By Mr. Matthews,

Notice of a bill for an act providing for an appropriation for a State Historical Society.

REPORTS OF COMMITTEES.

Mr. Thompson,

From the committee on Public Lands, to whom was referred
Senate File No. 39,

A bill for an act ceding to the United States exclusive jurisdiction and exemption from taxation on all lands for sites purchased by them.

Reported the same back to the Senate, and recommended its passage.

Amendment:

Section 2d. This act to be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

The amendment was adopted.

On motion of Mr. Trimble,

The bill was laid upon the table.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred
Senate File No. 33,

A bill for an act to repeal part of section 1464 of the Code of Iowa,

Reported the same back to the Senate, and recommended its passage.

Mr. Test

Moved that the bill be indefinitely postponed,

Which motion was lost.

The bill was

Ordered to be engrossed and read a third time to-morrow.

Mr. Foster,

From the committee on Engrossed Bills made the following report:

The Committee on Engrossed Bills, report that they have examined the following bills, and find the same correctly engrossed, to-wit:

Senate File No. 52,

An act further regulating pleadings in criminal cases.

Also,

Senate File No. 63,

Joint resolution for additional mail facilities in the counties of Iowa, Tama, Marshall and Hardin.

Also,

Senate File No. 64,

Joint resolution to procure additional mail facilities.

Also,

Senate File No. 28,

A bill for an act to repeal an act entitled "an act to amend the law in relation to divorce and alimony," approved January 24th, 1855, and to revise chapter 86 of the Code.

Also,

Senate File No. 50,

An act authorizing private persons to sue out writs of mandamus.

CHARLES FOSTER,

Chairman.

Message from the House,

By Mr. Logan, Chief Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendment by the Senate to the concurrent resolution determining the temporary adjournment of the General Assembly.

J. W. LOGAN,

Clerk.

The President

Laid before the Senate a communication from the Attorney General, in response to a resolution of the Senate.

It was read, and

On motion of Mr. McPherson,

Referred to a special committee, appointed to investigate the accounts of the Superintendent of Public Instruction, and other State officers.

The President

Laid before the Senate a communication from the Register of the State Land Office, in response to a resolution of the Senate, in reply to certain charges made by the Superintendent of Public Instruction.

On motion of Mr. Thompson,

The communication was referred to the special committee appointed to investigate the accounts of the Superintendent of Public Instruction, and other State officers.

Mr. Thompson

Had leave to introduce

Senate File No. 68,

A bill for an act authorizing the county judge of Linn county to transcribe certain records of said county,

Which was read a first and second time, and

On his motion,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

Mr. Test

Had leave to introduce

Senate File No. 66,

A bill for an act to amend the charter of the city of Council Bluffs,

Which was read the first and second time, and

On motion of Mr. Cook

Was referred to the committee on Incorporations,

With instructions to report to-morrow.

Mr. Brigham,

From the committee to whom was referred

Senate File No. 46,

A bill for an act to establish an office of Records in the city of Keokuk,

Reported the same back to the Senate, and

Recommended its passage.

On motion of Mr. Brigham,

The bill was re-committed to the same committee.

Mr. McPherson

Had leave to introduce

Senate File No. 70,

A bill entitled an act to locate the asylum for the Deaf and Dumb at Winterset, in Madison county,

Which was read the first and second time, and

On his motion was

Referred to the committee on Charitable Institutions.

Mr. McPherson

Also had leave to introduce

Senate File No. 71,

A bill for an act to change the name of Somerset, in Adair county, to Fontenelle,

Which was

Read a first and second times, and,

On his motion,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

Mr. Matthews

Had leave to introduce

Senate File No. 72,

A bill for an act providing for the re-survey of lands in certain cases,

Which was

Read a first and second times, and,

On his motion, was

Referred to the committee on Public Lands.

Mr. Trimble

Also had leave to introduce

Senate File No. 78,

A bill for an act further regulating the suing out of writs of error in the district court,

Which was

Read a first and second times, and,

On his motion, was

Referred to the committee on the Judiciary.

Mr. Brigham

Had leave to introduce

Senate File No. 74,

A bill for an act for the additional security of public money,

Which was

Read a first and second times, and,

On his motion, was

Referred to the committee on the Judiciary.

Senate File No. 35,

A bill entitled an act to incorporate Winterset.

Read the third time,

Passed and the title agreed to.

Senate File No. 52,

An act further regulating proceedings in criminal cases.

Read a third time,

Passed and the title agreed to.

On motion of Mr. McPherson,

The Senate adjourned.

TWO O'CLOCK, P. M.

Senate File No. 66,

A bill for an act fixing the salaries of the judges of the Supreme and District Courts of this State, and providing for their payment, Being the special order, was

On motion of Mr. Saunders,

Laid on the table.

On motion of Mr. Saunders,

House File No. 2,

A joint resolution relating to the admission of Kansas,

Was taken up.

On motion of Mr. Brigham,

The Senate adjourned until nine o'clock to-morrow morning.

SENATE CHAMBER, }
Dec. 17th, 1856—10 A. M. }

The Senate met pursuant to adjournment.

Prayer by the Chaplain,

Journal of yesterday read and approved.

PETITIONS.

Mr. Grinnell

Presented a petition from Jesse Richmond and 350 others, remonstrating against the passage of the law incorporating the town of Newton,

Which was,

On motion of Mr. Grinnell.

Referred to the committee on Incorporations.

NOTICE OF BILLS.

By Mr. Cook,

Notice of a bill for an act for the further relief of Hannah Everall.

RESOLUTIONS.

On motion of Mr. Kirkwood,

It was

Resolved, That the committee on the Library be requested to examine the tax tables of John Geiger, and report whether, in their opinion, it would be expedient either to purchase a sufficient number of copies thereof for the use of the several county judges of the State, or to authorize the county judges each to purchase a copy at the expense of his country.

REPORTS OF COMMITTEES.

Mr. Brigham,

From the special committee to whom was referred

Senate File No. 46,

A bill for an act to establish a Recorder's office in the city of Keokuk.

Reported the same back with one amendment and recommended its passage.

The amendment was adopted, and

On motion of Mr. McCulloch,

The eleventh rule was suspended, the bill read the third time, passed and the title agreed to.

Mr. Matthews,

From the committee on Incorporations, to whom was referred

Senate File No. 69,

A bill for an act to amend the charter of the city of Council Bluffs.

Reported the same back to the Senate, and recommended its passage.

On motion of Mr. Test,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

Mr. Foster,

From the committee on Engrossed Bills, made the following report :

Mr. PRESIDENT :

The committee on Engrossed Bills have examined

Senate File No. 33,

An act to repeal part of section 1464 of the Code of Iowa.

And find the same correctly engrossed.

CHARLES FOSTER,

Chairman.

Mr. Cook

From the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills report that they have examined the following bills, and find the same correctly enrolled, to-wit :

Senate File No. 25,

A bill for an act legalizing the articles of incorporation of the Dubuque and Bellevue Railroad Company, and for other purposes.

Also,

Senate File No. 29,

A bill for an act reducing the width of certain state roads therein named.

COOK,
Chairman.

Mr. McCrary,

From the committee on Charitable Institutions, to whom was referred

Senate File No. 47,

A bill providing for the education of the blind.

Reported the same back to the Senate with a substitute therefor, and recommended the passage of the substitute.

On motion of Mr. Thompson,

The bill and substitute were

Referred to the committee on the Judiciary.

Mr. Thompson,

From the committee on Public Lands, to whom was referred

Senate File No. 72,

A bill for an act providing for the re-survey of lands in certain cases.

Reported the same back to the Senate, with one amendment, to-wit:

Strike out of the first section the words "three-fourths," and insert "one-half."

Amendment adopted.

On motion of Mr. Matthews,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

Mr. Trimble

Had leave to introduce

Senate File No. 75,

A bill for the division of the property of school district No. 3, of Bloomfield, Davis county, Iowa.

Read a first and second times, and

On motion of Mr. Trimble,

The bill was amended by adding to the last section Keosauqua Republican.

On motion of Mr. Grinnell,

The bill was further amended by adding to the last section "without expense to the State."

On motion of Mr. Trimble,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

Mr. Reed

Had leave to introduce

Senate File No. 76,

A bill for an act to amend the charter of the town of Fairfield,

Which was read the first and second times, and

On motion of Mr. Saunders,

The bill was

Referred to the committee on Incorporations.

Mr. Matthews,

Had leave to introduce

Senate File No. 77,

An act to provide for an annual appropriation for the benefit of a State Historical Library.

Which was read a first and second times, and

On motion of Mr. Andrews,

The bill was laid on the table.

Mr. Saunders

Had leave to introduce

Senate File No. 78,

A bill for an act to amend Chapter 64 of the Code of Iowa.

Which was

Read the first and second times, and

On his motion; was

Referred to the committee on the Judiciary.

Mr. Thurston

Had leave to introduce

Senate File No. 79,

A bill for an act to drain or levee townships,

Which was

Read a first and second times, and

On his motion,

Was referred to the committee on Public Lands.

On motion of Mr. Stewart,

Senate File No. 39,

A bill for an act ceding to the United States exclusive jurisdiction and exemption from taxation all lands for sites purchased by them,

Was taken from the table, and

On motion of Mr. Brigham,

The bill was re committed to the committee on Public Lands.

Mr. Thompson,

From the special committee to whom was referred a petition from certain citizens of Linn county, reported by bill,

Senate File No. 80,

A bill for an act to locate a state road from Centre Point, in Linn county, to Independence in Buchanan county,

Which was read the first and second times, and

On his motion, was

Referred to the committee on Roads.

Message from the House of Representatives,
By their Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the house of Representatives has passed the following House files in which they ask the concurrence of the Senate.

House File No. 34,

A bill for an act to authorize the re-survey of roads.

Also,

House File No. 101,

Joint resolution on the subject of naturalization laws, and importation of paupers and felons.

I am further instructed to inform the Senate that the House has rejected

Senate File No. 55,

A bill for an act to repeal the last clause of section 2705 of the code.

J. W. LOGAN,
Chief Clerk.

On motion of Mr. Test,

House File No. 99,

A bill for an act to provide for the transcribing the records of
Dottawattomie County,

Was taken up, and

On motion of Mr. Cook,

The bill was referred to the committee on incorporations.

On motion of Mr. Brown,

House File No. 65,

A bill for an act to create the county of Hamilton,

Was taken up, and

Read a first and second times.

Mr. Brigham,

Moved to refer the bill to the committee on new counties.

Motion lost.

On motion of Mr. Brown,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

Mr. Thompson,

From the committee on public lands, to whom was referred,

House File No. 39,

A bill for an act ceding to the United States exclusive jurisdiction and exemption from taxation, all lands purchased by them, for sites in this State,

Reported the same back to the Senate with an amendment, of an additional section to-wit :

Provided further, That nothing herein contained shall prevent the service of any legal process issued by any of the courts of this state now or hereafter established within the jurisdiction hereby ceded.

Which amendment was adopted.

On motion,

The eleventh rule was suspended the bill passed and the title agreed to.

On motion of Mr. Brigham,

The Senate took up

Senate File No. 43,

Joint resolution and memorial to Congress, for Custom House and Marine Hospital at Keokuk.

Which was

Read a third time, passed and the title agreed to.

On motion of Mr. Carter,

House File No. 55,

Joint resolution and memorial to Congress for a grant of land to aid in the construction of the McGregors, St. Peters and Missouri river Railroad,

Was taken up, and

Read a first and second times, and,

On motion of Mr. Carter,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

BILLS ON THIRD READING.

Senate File No. 63,

Joint resolution for additional mail facilities,

Which was

Read a third time,

Passed and the title agreed to.

Senate File No. 28,

A bill for an act to repeal an act in relation to divorce and alimony, and to revive chapter 86 of the Code,

Which was

Read a third time,

Passed and the title agreed to.

Senate File No. 50,

A bill for an act authorizing private persons to sue out writs of mandamus,

Which was

Read a third time,

Passed and the title agreed to.

Senate File No. 51,

A bill for an act repealing so much of chapter 166 of the Code of Iowa as gives the right of challenge to the Grand Jury,

Which was

Read a third time,

Passed and the title agreed to.

Senate File No. 33,

A bill for an act to repeal part of section 1464 of the Code of Iowa.

Mr. Test

Moved to indefinitely postpone the bill.

Motion lost.

Mr. Thompson

Called for the yeas and nays upon the passage of the bill,
Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brigham, Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jordan, Kirkwood, Matthews, McCoy, McCrary, McCulloch, Ramsay, Reed, Rusch, Stewart, Thurston, Trimble, Warner, Wilkinson—27.

The nays were—

Senators Brown, Saunders, Test, Thompson, Mr. President—5.

The bill passed, and the title thereof agreed to.

Mr. Kirkwood,

From the committee on Federal Relations, to whom was referred

Senate File No. 34,

A joint resolution to procure additional mail facilities.

Reported the same back, with certain amendments incorporating certain other routes therein,

Which amendments were concurred in.

Mr. Thompson

Moved further to amend by incorporating the following:

A daily mail from Iowa City to Cedar Rapids.

Which amendment was concurred in,

And the joint resolution

Ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Thurston,

Mr. Dale obtained leave of absence until after the adjournment.

Mr. Kirkwood,

From the committee on Federal Relations, to whom was referred

Senate File No. 26,

Joint resolution and memorial for additional mail facilities,

Reported the same back to the Senate with the following amendment :

Strike out Wyoming and insert Nebraska city,

Which amendment was concurred in, and

On motion of Mr. Trimble,

The eleventh rule was suspended and the bill read a third time, passed and the title agreed to.

BILLS ON THEIR FIRST READING.

House File No. 8,

A bill for an act establishing a state road from Dennison, Crawford county, to Monona in Monroe county,

Was read a first and second times, and

On motion of Mr. Anderson,

Referred to the committee on Roads.

House File No. 31,

A bill for an act to locate a state road from Independence to New Hampton,

Was read a first and second times, and

On motion of Mr. Ramsay,

Referred to the committee on Roads.

House File No. 32,

A bill for an act to locate so much of a state road from Contreville, to Marietta, as lies in Appanoose county,

Was read a first and second times, and

On motion of Mr. Ramsay,

The bill was

Referred to the committee on Roads.

House File No. 37,

A bill for an act to define the boundaries of the sixth judicial district,

Was read the first and second times, and

On motion of Mr. Test, was

Referred to the committee on Judiciary.

House File No. 38,

A bill for an act to locate a state road from Centreville in Appanoose county, to Ottumwa in Wapello county,

Was read the first and second times, and

On motion of Mr. Anderson, was
Referred to the committee on Roads.

House File No. 42,

A bill for an act restraining swine from running at large in the counties of Blackhawk and Buchanan.

Which was

Read a first and second times, and

On motion of Mr. Anderson,
Was indefinitely postponed.

House File No. 50,

A bill for an act to incorporate the town of Glenwood, in Mills county.

Which was

Read a first and second times, and

On motion of Mr. Thurston,
Referred to the committee on Incorporations.

House File No. 51,

A bill creating a state road therein named.

Which was

Read the first and second times, and

On motion of Mr. Ramsay,
Referred to the committee on Roads.

House File No. 60,

Joint resolution asking for increased mail facilities in the State of Iowa.

Which was

Read a first and second times, and

On motion of Mr. Ramsay,
Referred to the committee on Federal Relations.

House File No. 62,

A bill for an act authorizing the school fund commissioner of Warren county to pay certain monies.

Which was

Read the first and second times, and

On motion of Mr. Jordan,
Referred to the delegation from Warren county.

House File No. 68,

Joint resolution asking for a daily mail via Ft. Des Moines to Council Bluffs.

Which was

Read a first and second times, and

On motion of Mr. Test,

Referred to the committee on Federal Relations.

House File No. 70,

A bill for an act to change the name of Blakesburg to Cleveland,
Was read

A first and second times, and,

On motion of Mr. Ramsay,

The eleventh rule was suspended, the bill read a third time,
Passed and the title agreed to.

House File No. 79,

A joint resolution and memorial to Congress for additional mail facilities, was

Read a first and second times, and,

On motion of Mr. Jordan,

The eleventh rule was suspended, the bill read a third time,
Passed and the title agreed to.

House File No. 80,

A joint resolution asking for increased mail facilities, was

Read a first and second times, and,

On motion of Mr. Jenkins,

The eleventh rule was suspended, the bill read a third time,
Passed and the title agreed to.

House File No. 82,

A joint resolution asking for additional mail facilities, was

Read a first and second times, and,

On motion of Mr. Jenkins,

The eleventh rule was suspended, the bill read a third time,
Passed and the title agreed to.

House File No. 84,

A joint resolution asking for additional mail facilities, was

Read a first and second times, and.

On motion of Mr. Jenkins,

The eleventh rule was suspended, the bill read a third time,
Passed and the title agreed to.

House File No. 34,
A bill for an act authorizing the re-survey of certain roads, was
Read a first and second times, and,
On motion of Mr. Thompson, was
Referred to the committee on Roads.

House File No. 101,
A joint resolution on the naturalization laws, was
Read a first and second times.

Mr. Jenkins

Moved the resolution be laid on the table, and made the special
order for Monday, the 5th of January next,
Which motion was lost.

On motion of Mr. Grinnell,
The resolution was laid on the table.

NOTICE OF BILLS.

By Mr. Brown,
Notice of a bill providing for the establishment of an Agricultural College.

Mr. Kirkwood,
From the committee on Federal Relations, to whom was referred
House File No. 68,
A joint resolution asking for additional mail facilities,
Reported the same back to the Senate, with an amendment, instructing the Secretary of State to forward copies of the resolution to our Senators and Representatives in Congress and to the Postmaster General.

On his motion,
The eleventh rule was suspended, the resolution read the third time,
Passed and the title agreed to.

On motion of Mr. Stewart,
The Senate adjourned.

TWO O'CLOCK P. M.

The President

Laid before the Senate a communication from the Attorney General in response to a resolution of the Senate in relation to the sales of the University lands.

On motion of Mr. McCulloch,

The communication was referred to the special committee appointed to investigate the accounts of the Superintendent of Public Instruction and other State officers.

On motion of Mr. Thompson,

The vote by which

House File No. 42,

A bill for an act to restrain swine from running at large in the counties of Blackhawk and Buchanan,

Was indefinitely postponed, was re-considered, and

The bill was laid on the table.

House File No. 2,

Joint resolution relating to the admission of Kansas,

Was taken up and discussed.

The following bills, having been signed by the Speaker of the House of Representatives and President of the Senate, and endorsed by the Secretary, were placed in the hands of the enrolling committee, to be presented to the Governor, to-wit:

Senate File No. 12,

An act to provide for the election of an additional justice of the peace in Centre township, in Decatur county.

Also,

Senate File No. 25,

An act legalizing the articles of incorporation of the Dubuque and Bellevue Railroad Company, and for other purposes.

Also,

Senate File No. 29,

A bill for an act reducing the width of certain state roads therein named.

Mr. Brigham

Moved that the Senate adjourn until to-morrow morning at 10 o'clock.

Motion lost.

On motion of Mr. Brown,
The Senate adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

On motion of Mr. Cattell,
Leave of absence was granted to Mr. Atkins, until Monday, the 5th of January.

Mr. Coolbaugh
Moved that the Senate adjourn.
Motion lost.

On motion of Mr. Grinnell,
The Senate adjourned until 9 o'clock to-morrow morning.

SENATE CHAMBER, }
Dec. 20th, 1856—9 A. M.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS AND REMONSTRANCES.

Mr. Grinnell

Presented a memorial from William Rees in relation to the settlement of public lands,

Which was,

On motion of Mr. Grinnell,

Referred to the committee on Public Lands.

Mr. Test,

Presented a petition from Asa C. Call asking for the location of a certain state road,

Which,

On motion of Mr. Test,

Was referred to the committee on Roads.

Mr. Cattell

Presented the petition of W. Hammond and 41 others, citizens of Cedar county, asking for an appropriation to build an armory at Tipton Iowa,

Which was,

On motion of Mr. Cattell,

Referred to the committee on Military Affairs.

NOTICE OF BILLS.

Mr. Cook

Gave notice of a joint resolution and memorial to Congress for an appropriation to build a Custom House and United States District Court House and Post Office in the city of Burlington.

Also,

Notice of a bill for an act to amend a portion of section 2536, chapter 136, of the Code of Iowa.

Mr. Grinnell

Gave notice of a joint resolution and memorial for increased mail facilities.

REPORTS OF COMMITTEES.

Mr. McCrary,

From the committee on Charitable Institutions, to whom was referred the report of commissioners appointed to locate the Asylum for the Insane,

Reported the same back to the Senate, and,

On his motion,

The report was laid upon the table, and one thousand copies ordered to be printed.

Mr. Matthews,

From the committee on Incorporations, to whom was referred

House File No. 99,

A bill for an act to provide for transcribing the records of Pottawattomie county,

Reported the same back to the Senate,

With an amendment,

And recommended the passage of the bill.

Amendment of the committee concurred in.

Mr. Cook

Moved to amend the bill by striking out the name of George Snyder, and authorize the county Judge to appoint a commissioner, Which amendment was adopted.

Mr. Test

Moved to re-commit the bill.

Motion lost.

Mr. Test

Offered a substitute for the bill and amendments,

Which substitute was adopted.

On his motion,

The eleventh rule was suspended, the bill read the third time, passed and the title agreed to.

Mr. Matthews,

From the committee on Incorporations, to whom was referred

Senate File No. 77,

A bill for an act to amend the charter of the town of Fairfield,

Reported the same back to the Senate, and recommended its passage,

With the following amendments :

Sec. 7. Strike out first, second and third, and the first two words of the fourth line.

Also,

Strike out of the same section all after the word void, in the 18th line, and insert "this act shall take effect from and after its publication in the Iowa City Republican and Fairfield Ledger; the expense of publication to be paid by the said city of Fairfield,"

Which amendment was adopted, and

The report concurred in,

And the bill

Ordered to be engrossed and read a third time to-morrow.

Mr. Matthews,

From the committee on Incorporations, to whom was referred

House File No. 50,

A bill for an act to incorporate the town of Glenwood, in Mills county

Reported the same back to the Senate, with an amendment.

On motion of Mr. Test,

The report and bill were laid upon the table.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred

Senate File No. 47,

A bill for an act providing for the education of the blind,

Reported the same back to the Senate,

With the following:

"The Committee

"Respectfully submit to the Senate that section 16 of the Constitution of the State of Iowa, provides that bills for revenue shall originate in the House of Representatives, and that your committee feel fully justified in saying this bill has no such object.

ANDERSON,

Chairman of the Judiciary Committee.

The bill was

Ordered to be engrossed and read a third time to-morrow.

Mr. McCrary

From the committee on Charitable Institutions,

Reported by bill

Senate File No. 81,

A bill for an act making further appropriations for the Insane Asylum,

Which was read the first and second times, and

On motion of Mr. Test,

Referred to the committee on Public Buildings.

Mr. Cattell,

From the committee on Claims to whom was referred

House File No. 39,

A bill for an act for the relief of David Hayne,

Reported the same back to the Senate, and recommended its passage.

Mr. Cattell,

Offered the following amendment, to-wit:

To add " with interest from the date of the last sale of tracts or lots of land selected at the same time in said section four."

Upon which amendment,

The yeas and nays were demanded,

And were as follows:

The yeas were—

Senators Anderson, Brigham, Birge, Carter, Cattell, Coolbaugh, Foster, Kirkwood, Matthews, McCulloch, McPherson, Ramsay, Rusch, Saunders, Trimble, Wilkinson—16.

The nays were—

Senators Brown, Cleaver, Cook, Grinnell, Hogan, Jenkins, Jordan, McCoy, McCrary, Reed, Stewart, Test, Thompson, Warner, Mr. President—15.

Amendment adopted.

On motion of Mr. Anderson,

The vote was re-considered.

Mr. Ramsay

Asked a call of the House.

On motion of Mr. Anderson,

Further proceedings under the call were dispensed with.

Message from the House of Representatives,
By their Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House of Representatives has passed the following bills, in which they ask the concurrence of the Senate.

House File No. 15,

A bill for an act to establish a state road from Fort Des Moines to the south line of the State of Iowa.

Also,

House File No. 73,

A bill for an act to locate a certain state road therein named.

Also,

House File No. 76,

A bill for an act to incorporate the town of Centreville, Iowa.

Also,

House File No. 85,

Joint resolution asking for additional mail facilities.

Also,

House File No. 95,

A bill for an act to establish a state road from Des Moines, via Greenbush, St. Charles and La Porte to the south-west corner of Union county.

Also,

House File No. 102,

Joint resolution asking additional mail facilities.

Also,

House File No. 10,

A bill for an act to amend an act entitled an act to establish a ferry at Boatswain's Mill, on the Des Moines river, in Lee county.

Also,

House File No. 112,

A bill for an act to amend the city charter of Burlington.

Also,

House File No. 114,

A bill for an act to change the name of Columbus to Copoli.

I am further directed to inform the Senate that the House has passed, without amendment, the following Senate Files :

Senate File No. 17,

A bill for an act to amend an act entitled an act to require county Judges to give bonds.

Also,

Senate File No. 35,

A bill for an act to incorporate the town of Winterset.

Also,

Senate File No. 61,

Joint resolution asking for additional mail facilities.

Also,

Senate File No. 71,

A bill for an act to change the name of Somerset to Fontenelle.

J. W. LOGAN,

Chief Clerk.

The question being upon adopting the amendment,

The yeas and nays being demanded,

Were as follows:

The yeas were:

Senators Brigham, Birge, Carter, Coolbaugh, Foster, Kirkwood, Matthews, McCulloch, McPherson, Ramsey, Rusch, Saunders, Thurston, Trimble—14.

The nays were:

Senators Anderson, Brown, Cattell, Cleaver, Cook, Grinnell, Hogan, Jenkins, Jordan, McCoy, McCrary, Reed, Stewart, Test, Thompson, Warner, Wilkinson, Mr. President—18.

Amendment rejected,

And the bill

Ordered to be engrossed and read a third time to-morrow.

Mr. Foster,

From the committee on Engrossed Bills made the following report :

MR. PRESIDENT :

The Committee on Engrossed Bills, report that they have examined the following bill, and find the same correctly engrossed, to-wit :

Senate File No. 34,
Joint resolution to procure additional mail facilities.

CHARLES FOSTER,
Chairman.

Leave of absence was granted to Senator Brown, until the 5th of January next.

Leave of absence was also granted to Senators Cattell, Jordan, Grinnell, Trimble, and Ramsay, until the fifth of January.

On motion of Mr. Stewart,

The vote by which

Senate File No. 39,

An act ceding to the United States exclusive jurisdiction and exemption from taxation, on all lands for sites, purchased by them,

Was passed,

Was re-considered.

On motion of Mr. Stewart,

The bill was laid upon the table.

Mr. Test

Moved that the Senate adjourn until 10 o'clock Monday morning.

Motion lost.

On motion of Mr. Kirkwood,

The Senate adjourned.

TWO O'CLOCK, P. M.

House File No. 2,
Joint resolution relating to the admission of Kansas,
Was taken up.

Mr. Trimble

Offered the following amendment to the amendment offered by Mr. Kirkwood, to wit:

Adding after the word "Polygamy," the words "Land Piracy, Murder, Arson, Counterfeiting, Horse Stealing, Whiskey Drinking, and Ignorance."

Which amendment, was

On motion of Mr. Saunders,
Laid upon the table.

Message from the House,
By Mr. Logan, Chief Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the following bills, in which the concurrence of the Senate is asked.

House File No. 21,

A bill for an act to restrain swine from running at large in Harrison and Monona counties.

Also,

House File No. 77,

A bill for an act to repeal chapter 61 of the acts of the Fourth General Assembly.

Also,

House File No. 93,

Memorial and joint resolution for additional mail facilities.

Also,

House File No. 98,

A bill for an act to authorize school district No. 2, in Le Clair township, Scott county, to borrow money.

Also,

House File No. 103,

Joint resolution respecting the naturalization laws of the United States.

Also,

House File No. 105,

A bill for an act to procure additional mail facilities.

I am further directed to inform the Senate that the House has passed, without amendment, the following Senate Files:

Senate File No. 59,

A bill for an act to establish a state road from Clayton City to the Des Moines river.

Also,

Senate File No. 20,

A bill for an act relating to evidence.

J. W. LOGAN,

Clerk.

The question being upon Mr. Kirkwood's amendment to the substitute,

Mr. Test called for a division of the question.

The President

Decided the question not divisible,

From which decision,

Mr. Thurston appealed.

The question being,

Shall the decision of the Chair remain the decision of the Senate?

The Senate sustained the decision of the Chair.

Mr. Thurston

Moved to strike out the word "Polygamy" in the amendment,

On which motion,

Mr. Ramsey called for the yeas and nays,

Which were as follows:

The yeas were—

Senators Brigham, Birge, Coolbaugh, McCulloch, Ramsay, Stewart, Test, Thurston, Warner—9.

The nays were—

Senators Anderson, Brown, Carter, Cleaver, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Matthews, McCoy, McCrary, McPherson, Reed, Rusch, Saunders, Thompson, Trimble, Wilkinson, Mr. President—22.

Motion lost.

The question being upon the amendment to the substitute,
Mr. Saunders

Called for the yeas and nays,
Which were as follows :

The yeas were—

Senators Anderson, Brigham, Brown, Carter, Cleaver, Coolbaugh, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Matthews, McCrary, McCulloch, McPherson, Ramsay, Reed, Rusch, Saunders, Stewart, Test, Thompson, Trimble, Wilkinson, Mr. President—27.

The nays were—

Senators Birge, Thurston, Warner—3.

Amendment adopted.

Mr. Thompson

Moved to lay the substitute upon the table,

Upon which motion,

Mr. Brigham

Called for the yeas and nays,
Which were as follows :

The yeas were—

Senators Anderson, Brown, Carter, Cleaver, Cook, Foster, Grinnell, Hogan, Jordan, Kirkwood, Matthews, McCoy, McCrary, Reed, Rusch, Saunders, Thompson, Mr. President—18.

The nays were—

Senators, Brigham, Birge, Coolbaugh, Jenkins, McCulloch, McPherson, Ramsay, Stewart, Test, Thurston, Trimble, Warner, Wilkinson—12.

The motion prevailed.

The question being upon the original resolution,

Mr. Test

Offered the following amendment:

Resolved further, That our Senators be instructed and our Representatives requested to maintain and support the principles of the acts of 1850, commonly known as the Compromise measures.

Mr. Thompson

Moved to lay the amendment upon the table.

Mr. Test

Called for the yeas and nays,

Which were as follows:

The yeas were—

Senators Anderson, Brown, Cleaver, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Matthews, McCoy, McCrary, McPherson, Reed, Rusch, Saunders, Thompson, Mr. President—19.

The nays were—

Senators Birge, Carter, Coolbaugh, McCulloch, Ramsey, Stewart, Test, Thurston, Trimble, Warner, Wilkinson—12.

The motion prevailed.

The question being upon ordering the original resolution to a third reading, .

The yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Anderson, Brown, Carter, Cleaver, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Matthews, McCoy, McCrary, McPherson, Reed, Rusch, Saunders, Thompson, Wilkinson, Mr. President—21.

The nays were—

Senators Brigham, Birge, Coolbaugh, McCulloch, Stewart, Test, Thurston, Trimble, Warner—10.

The resolution was ordered to a third reading on Monday.

Mr. McPherson

Moved to suspend the eleventh rule, and have the resolution read a third time.

On which motion,

Mr. Thurston

Called for the yeas and nays,

Which were as follows:

The yeas were---

Senators Anderson, Brown, Carter, Cleaver, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Matthews, McCoy, McCrary, McPherson, Reed, Rusch, Saunders, Thompson, Wilkinson, Mr. President—21.

The nays were—

Senators Brigham, Birge, Coolbaugh, McCulloch, Ramsay, Stewart, Test, Thurston, Trimble, Warner—10.

Motion lost.

On motion of Mr. Brigham,

The Senate adjourned.

SENATE CHAMBER,
Dec. 23rd, 1856—10 A. M.

Senate met pursuant to adjournment.

Prayer by the Rev. W. F. Cowles.

Journal of yesterday read and approved.

PETITIONS AND REMONSTRANCES.

Mr. McCrary

Presented the petition of Henry and Stephen Hand, asking authority to convey certain lands, which,

On his motion, was
Referred to the committee on the Judiciary.

On motion of Mr. Thompson,
The Auditor of State was directed to procure shelter for the coal
used in the Senate Chamber.

NOTICE OF BILLS.

By Mr. Trimble,
Notice of a bill providing for the distribution of certain school
funds among the several school fund commissioners of the State.

By Mr. Grinnell,
Notice of a bill for loaning the 5 per cent fund among the differ-
ent literary institutions of the State of Iowa.

REPORTS OF COMMITTEES.

Mr. Foster,
From the committee on Engrossed Bills,
Made the following report:

MR. PRESIDENT:
The committee on Engrossed Bills report
Senate File No. 47,
A bill for an act providing for the education of the Blind.

Also,
Senate File No. 76,
An act to amend the charter of the town of Fairfield,
Correctly engrossed.

CHARLES FOSTER,
Chairman.

Mr. Cook,
From the committee on Enrolled Bills,
Made the following report:

The committee on Enrolled Bills report that they have presented
to the Governor, for his approval, the following bills, to-wit:

Senate File No. 12,
An act to authorize the election of an additional justice of the
peace in Centre township, Decatur county.

Also,

Senate File No. 25,

An act legalizing the articles of incorporation of the Dubuque and Bellevue Railroad Company and for other purposes.

Also,

Senate File No. 29,

An act to reduce the width of certain state roads therein named.

COOK,

Chairman.

The committee on Enrolled Bills report,

That they have examined the following bills and find the same correctly enrolled.

Senate File No. 61,

Joint resolution and memorial to procure certain mail facilities.

Also,

Senate File No. 17,

An act to amend an act entitled an act to require county judges to give bonds.

Also,

Senate File No. 71,

A bill for an act to change the name of Summersett, in Adair county to Fontenelle.

Also,

Senate File No. 59,

An act to locate a state road from Clayton City to the Des Moines River.

Also,

Senate File No. 20,

A bill for an act relating to evidence.

COOK,

Chairman.

Senators McCulloch and Thurston had leave of absence until the fifth of January.

Mr. McPherson,

From the special committee to whom was referred

House File No. 62,

A bill for an act authorizing the school fund commissioner of Warren county to pay certain monies,

Reported the same back to the Senate and recommended its passage.

On his motion,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

Mr. Brigham

Had leave to introduce

Senate File No. 52,

A bill for an act to locate a sub-division of land in Lee county,

Which was

Read a first and second times, and,

On his motion,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

BILLS ON THIRD READING.

Senate File No. 76,

A bill for an act to amend the charter of the town of Fairfield.

Read a third time,

Passed and the title agreed to.

Senate File No. 47,

A bill for an act providing for the education of the blind.

Read the third time,

Passed and the title agreed to.

Senate File No. 34,

Joint resolution and memorial to procure additional mail facilities.

Read a third time,

Passed and the title agreed to.

House File No. 2,

Joint resolution and memorial relating to slavery and the admission of Kansas,

Was read a third time.

Mr. Test

Moved to postpone the further consideration of the bill until the 6th day of January.

Motion lost.

The question being upon the passage of the joint resolution,

Mr. Thompson

Called for the yeas and nays,

Which were as follows :

The yeas were :

Senators Brown, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Hogan, Jenkins, Kirkwood, Matthews, McCoy, McCrary, McPher-
son, Reed, Rusch, Saunders, Thompson, Wilkinson, Mr. President
—19.

The nays were :

Senators Brigham, Birge, Coolbaugh, Stewart, Test, Trimble,
Warner—7.

The resolutions passed and their title agreed to.

Message from the House of Representatives,
By Mr. Logan, Chief Clerk.

MR. PRESIDENT :

I herewith present for your signature

House Files Nos. 17, 29, 55, 65, 68, 70, 79, 80, 82 and 84,

The same having passed both branches of the General Assembly,
correctly enrolled, and signed by the Speaker of the House.

J. W. LOGAN,

Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House of Represen-
tatives has passed

House File No. 48,

A bill for an act to provide for improvements in the Iowa Peni-
tentiary.

Also,

House File No. 119,

A bill for an act relating to the school fund of the State.
In which the House asks the concurrence of the Senate.

J. W. LOGAN,

Clerk.

BILLS ON THEIR THIRD READING.

House File No. 39,
A bill for an act for the relief of David Hain,
Was read a third time,
Passed and the title thereof agreed to.

On motion of Mr. Rusch,
House File No. 101,
Joint resolution on the subject of the naturalization laws,
Was taken from the table, and
Referred to a special committee.

The Chair appointed
Senators Rusch, Kirkwood and Matthews said committee.

Senate File No. 61,
A joint resolution to procure additional mail facilities.

Also,
Senate File No. 17,
An act to amend an act entitled an act to require county judges to
give bonds.

Also,
Senate File No. 71,
A bill for an act to change the name of Summersett, in Adair
county, to Fontenelle.

Also,
Senate File No. 59,
A bill for an act to locate a state road from Clayton City to the
Des Moines River.

Also,
Senate File No. 20,
A bill for an act relating to evidence.

Having been signed by the Speaker of the House of Representatives and the President of the Senate, and endorsed by the Secretary, was placed in the hands of the enrolling committee, to be presented to the Governor.

On motion of Mr. Grinnell,

The Senate took up

House File No. 119,

A bill for an act in relation to the school fund of the State,

Which was

Read the first and second time,

On motion of Mr. Brigham,

The Senate adjourned.

TWO O'CLOCK, P. M.

On motion of Mr. Coolbaugh,

The eleventh rule was suspended,

House File No. 119,

Was read the third time,

Passed and the title agreed to.

REPORTS OF COMMITTEES.

Mr. Cook,

From the committee on Enrolled Bills,

Made the following report:

The committee on enrolled bills report

That they have presented to the Governor the following bills for his approval, to-wit:

Senate File No. 50,

An act to locate a state road from Clayton City, in Clayton county, to the Des Moines river, in Kossuth county.

Senate File No. 71,

An act to change the name of Somerset, in Adair county, to Fontenelle.

Senate File No. 61,

A joint resolution to procure additional mail facilities.

Senate File No. 20,

An act relating to evidence.

Senate File No. 17,

An act to amend an act entitled an act to require county Judges to give bonds.

COOK,
Chairman.

BILLS ON FIRST READING.

House File No. 15,

Was read a first and second times, and,

On motion of Mr. Trimble,

The bill was

Referred to the committee on Roads.

House File No. 21,

An act to restrain swine from running at large in the counties of Harrison and Monona, was

Read the first and second times,

And was

Referred the committee on Agriculture.

Mr. Grinnell

Had leave to introduce

Senate File No. 83,

An act for the location of the Asylum for the Blind,

Which was

Read a first and second times, and,

On his motion, was

Referred to the committee on Charitable Institutions.

Mr. Warner

Had leave to introduce

Senate File No. 84,

An act to legalize the sale of school lands in Decatur county.

Which was

Read a first and second times, and,

On his motion, was

Referred to the committee on claims.

Mr. Grinnell

Had leave to introduce

Senate File No. 85,

An act to change the name of Funk's Grove to Aron.

Which was

Read a first and second times, and,

On his motion,

The eleventh rule was suspended the bill read a third time, passed and the title agreed to.

Mr. Trimble

Had leave to introduce

Senate File No. 86,

A bill for an act vacating a certain alley in the town of Bloomfield, Iowa.

Which was

Read a first and second times, and,

On his motion,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

On motion of Mr. Matthews,

Senate File No. 77,

An act to provide for an annual appropriation for the benefit of a State Historical Society,

Was taken from the table, and

Referred to the committee on Federal Relations.

On motion of Mr. Coolbaugh,

The Senate adjourned.

SENATE CHAMBER, }
Dec. 23rd, 1856—10 A. M. }

The Senate met pursuant to adjournment.

The President being absent,

On motion of Mr. Foster,

Mr. Kirkwood, was elected President, *pro tem.*

Prayer by the Chaplain,

Journal of yesterday read and approved.

On motion of Mr. McPherson,

The Senate adjourned.

SENATE CHAMBER, }
January 5th, 1857.—10 A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of Dec. 23d, 1856, read and approved.

On motion of Mr. McCrary,

A call of the Senate was ordered.

The following Senators were found to be absent :

Senators Brigham, Brown, Birge, Cattell, Cleaver, Coolbaugh, Cook, Foster, Grinnell, Jordan, Matthews, McCulloch, McPherson, Neal, Rusch, Saunders, Test, Thompson, Thurston, Warner, Wilkinson—21.

On motion of Mr. Ramsay,
Further proceeding under the call were dispensed with.

On motion of Mr. Loughridge,
The Senate adjourned.

TWO O'CLOCK P. M.

PETITIONS AND MEMORIALS.

Mr. Loughridge

Presented the petition of Silas Scott and 110 others, asking a change in the corporate limits of Oskaloosa.

Petition referred to committee on Incorporations.

Mr. Reed

Presented the petition of Joseph Junkin and 49 others, asking a law regulating poll tax.

Referred to the committee on Ways and Means.

Mr. McPherson

Presented the petition of J. M. Christopher and 57 others, asking a state road from Lewis, in Cass county, to Quincy, in Adams county.

Petition referred to the delegation from the counties of Cass, Montgomery and Adams.

Mr. McPherson

Presented the petition of S. M. Tucker and 48 others, asking for the location of a state road from Lewis, in Cass county, to Quincy, in Adams county.

Petition referred to the delegation from Cass and Adams counties.

Mr. McCrary

Presented the petition of John Park and 17 others, asking for the formation of a school district out of territory therein named.

Petition referred to the committee on Schools.

Mr. Neal

Presented the petition of A. B. Lyman and 118 others, asking for a state road from Eddyville to Attica.

Petition referred to the committee on Roads.

Mr. Neal

Presented the petition of P. A. Schnack and 31 others, praying for the repeal of the act for the suppression of intemperance,

Which was,

On his motion,

Laid on the table.

NOTICE OF BILLS.

By Mr. Jenkins,

Notice of a bill to incorporate the town of Maquoketa, in Jackson county, Iowa.

By Mr. Loughridge,

Notice of a bill for an act to locate a state road from Granville, in Mahaska county, to Newton, Jasper county.

By Mr. Loughridge,

Notice of a bill for an act to authorize the State Superintendent to subscribe for the voice of Iowa.

By Mr. Warner,

Notice of a bill for an act to establish a state road from Ft. Des Moines, in Polk county, to Pleasant Plain, in Decatur county.

By Mr. Brigham,

Notice of a bill for an act to limit incorporations in holding real estate, and to prohibit their speculating therein.

By Mr. Trimble,

Notice of a bill for an act vacating a certain grave yard therein named, and authorizing the sale of the ground now used for such grave yard, and for other purposes.

By Mr. Trimble,

Notice of a bill for an act authorizing the Recorder of Davis county, Iowa, to re-index certain records therein named.

By Mr. McPherson,

Notice of a bill to establish a state road from Lewis, Cass county, to Quincy, Adams county, via Bell's and Smith's Mill, in Montgomery county.

By Mr. McPherson,

Notice of a bill for an act establishing a state road from Ft. Des Moines, via Penn, in Madison county, to Afton, in Union county.

BILLS ON THEIR FIRST READING.

House File No. 105,

A joint resolution to procure additional mail facilities,

Was

Read the first and second times, and

On motion of Mr. Neal,

Was referred to the delegation from Lucas, Jasper and Marion counties.

House File No. 117,

A bill for an act to amend chapter 61 of the session laws of 1854-5,

Was read the first and second times,

And was

Referred to the committee on the Judiciary.

House File No. 93,

A memorial and joint resolution asking for additional mail facilities,

Was read the first and second times, and

On motion of Mr. Loughridge, was

Referred to the committee on Federal Relations.

House File No. 96,

A bill for an act authorizing school district No. 2, in Le Claire township, in Scott county, to borrow money,

Was read the first and second times, and

On motion of Mr. Brigham, was

Referred to the committee on Incorporations.

House File No. 103,

A joint resolution respecting the naturalization laws of the United States,

Was read a first and second times, and

On motion of Mr. Kirkwood,

Was referred to a special committee,

Consisting of

Senators Rusch, Kirkwood and Matthews.

House File No. 102,

A joint resolution for additional mail facilities,

Was read a first and second times, and

On motion of Mr. Neal,

Referred to the committee on Federal Relations.

House File No. 112,

A bill for an act amending an act entitled an act establishing a ferry at Boatman's Mill, on the Des Moines river, in Lee county.

Which was

Read the first and second times, and

On motion of Mr. Brigham,

Referred to the committee on Incorporations.

House File No. 84,

Joint resolution for additional mail facilities.

Which was

Read the first and second times, and

On motion of Mr. Anderson,

Referred to the committee on Federal Relations.

House File No. 95,

A bill for an act to establish a state road from Ft. Des Moines, via Greenbush, St. Charles and Laporte, to the southwest corner of Union county.

Which was

Read a first and second times, and

On motion of Mr. McPherson,

Referred to the committee on Roads.

House File No. 73,

An act to locate certain state roads therein named.

Which was

Read the first and second times,
And on motion of Mr. McCrary,
Referred to the committee on Roads.

House File No. 114,
A bill for an act to change the name of Columbus to Capoli.
Which was
Read the first and second times, and
On motion of Mr. Brigham,
The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

House File No. 112,
A bill for an act to amend the city charter of Burlington.
Which was
Read the first and second times, and
On motion of Mr. Cook,
Referred to the delegation from Des Moines county.

House File No. 48,
A bill for an act providing for improvements in the Iowa Penitentiary,
Was read the first and second times, and
On motion of Mr. Loughridge, was
Referred to the committee on Ways and Means.

House File No. 75,
An act to incorporate the town of Centreville, Iowa,
Was read the first and second times, and
On motion of Mr. Warner,
Was referred to the committee on Incorporations.

Mr. Cook
Had leave to introduce
Senate File No. 87,
A bill for an act for the relief of Hannah Everall,
Which was
Read the first and second times, and
On his motion, was
Referred to the committee on the Judiciary.

Mr. Brigham

Had leave to introduce

Senate File No. 88,

A joint resolution in relation to Woodworth's planing machines,
Which was

Read a first and second times, and,

On his motion,

The eleventh rule was suspended,

The bill

Read a third time,

Passed and the title agreed to.

Mr. Neal

Had leave to introduce

Senate File No. 89,

An act to locate a permanent institution for the Blind at Knoxville,
Which was

Read the first and second times, and

On his motion,

Referred to the committee on Charitable Institutions.

Mr. McCrary

Had leave to introduce

Senate File No. 90,

A bill for an act to provide for the deaf and dumb asylum,

Which was

Read the first and second times, and

On his motion,

Referred to the committee on Charitable Institutions.

Mr. Loughridge

Presented the following resolution,

Which was adopted.

Resolved, That the officers of the State University be requested to report to the Senate, at an early day, the condition and progress of the University.

On motion of Mr. Anderson,

The Senate adjourned until nine o'clock to-morrow morning.

SENATE CHAMBER, }
 Jan. 6th, 1857—9. A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of Mr. Anderson,
 A call of the House was ordered.

The following named Senators were found to be absent, to wit:
 Senators Atkins, Brigham, Brown, Birge, Coolbaugh, Foster,
 Grinnell, Jenkins, Kirkwood, Matthews, McCulloch, Ramsay,
 Saunders, Test, Thurston—15.

On motion of Mr. Neal,
 Further proceedings under the call were dispensed with.

PETITIONS.

Mr. Loughridge

Presented a petition from Thomas M. Sloan and 69 others, asking for the location of a state road from Granville, in Mahaska county, to Newton, in Jasper county.

Mr. Stewart

Presented a petition from H. A. Wiltse and 14 others, members of the Bar of Dubuque, remonstrating against the attaching of Bremer county to the tenth judicial district, and also asking that the counties of Fayette and Clayton may be attached to the second judicial district.

The petition was,

On motion of Mr. Stewart,
 Referred to the delegation from Fayette and Clayton counties.

Mr. Cattell

Presented a petition from Wells Spicer and 59 others, asking for the enactment of a militia law.

Which was,

On motion of Mr. Cattell,
Referred to the committee on Military Affairs.

Mr. Thompson

Presented a petition from A. J. McKean and 105 others, remonstrating against the passage of an act repealing the present prohibitory liquor law.

The petition was,

On motion of Mr. Thompson,
Laid upon the table.

Mr. Thompson

Presented a petition from James C. Kelsey and 79 others, remonstrating against the vacation of certain roads therein named.

The petition was,

On motion of Mr. Thompson,
Referred to the committee on Roads.

RESOLUTIONS AND NOTICES OF BILLS.

Mr. Anderson

Presented the following resolution, to-wit:

Resolved, That the Senate will meet at 9 o'clock, A. M., during the present session."

Which was,

On motion of Mr. Cleaver,
Laid upon the table.

By Mr. Trimble,

Notice of a joint resolution asking Congress to add the Iowa Southern Railroad, to the Pacific Railroad bill, now pending in Congress.

By Mr. Carter,

Notice of a bill authorizing the school fund commissioner of Clayton county, to procure a safe for the use of his office.

By Mr. Thompson,

Notice of a bill for an act regulating proceedings in county courts and appeals therefrom.

By Mr. Trimble,

Notice of a bill for an act authorizing the county judges of the respective counties in this State to order the conveyance of real estate of deceased persons in certain cases.

By Mr. Cleaver,

Notice of a bill for an act to re-establish a portion of the town of Toolesboro, heretofore vacated by act of the General Assembly.

By Mr. Jenkins,

Notice of a bill for an act to extend the jurisdiction of justices of the peace.

By Mr. Matthews,

Notice of a bill for an act to amend the charter of the city of Lyons.

Message from the House of Representatives,

By Mr. Logan, Chief Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following House Files, in which the concurrence of the Senate is asked.

House File No. 36,

A bill for an act to amend an act entitled an act concerning fences.

Also,

House File No. 81,

A bill for an act to alter the state road from Overmen's Ferry, in Muscatine county, to Washington Ferry, in Cedar county.

Also,

House File No. 111,

Joint resolution and memorial asking additional mail facilities.

Also,

House File No. 117,

A bill for an act amendatory to the act incorporating the city of Muscatine.

Also,

House File No. 147,

A bill for an act to change the name of a Railroad therein named.

I am further directed to inform the Senate that the House has passed the following Senate Files without amendment.

Senate File No. 36,

Joint resolution asking additional mail facilities.

Also,

Senate File No. 38,

A bill for an act to vacate an alley in the city of Keosauqua.

Also,

Senate File No. 43,

Joint resolution in relation to establishing a Custom House and Marine Hospital in the city of Keokuk.

Also,

Senate File No. 46,

A bill for an act to establish a Recorder's office in the city of Keokuk.

Also,

Senate File No. 53,

A bill for an act to locate a state road from Mount Air, in Ringgold county, to Clarinda, in Page county.

Also,

Senate File No. 63,

Joint resolution to procure additional mail facilities in Iowa, Tama, Marshal and Hardin counties.

Also,

Senate File No. 64,

Joint resolution asking additional mail facilities.

Also,

Senate File No. 65,

Joint resolution and memorial to enlarge the boundaries of the State of Iowa.

Also,

Senate File No. 68,

A bill for an act authorizing the county Judge of Linn county to transcribe certain records of said county.

I am also directed to inform the Senate that the House has passed

Senate File No. 69,

A bill for an act to amend the charter of the city of Council Bluffs,

With an amendment,

In which the concurrence of the Senate is asked.

I am further directed to inform the Senate that the House has indefinitely postponed

Senate File No. 72,

A bill for an act providing for the re-survey of lands in certain cases.

J. W. LOGAN,
Clerk.

REPORTS OF COMMITTEES.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred

A petition from Hiram Scofield and others, citizens of Washington county,

Reported the same back to the Senate, and recommended its reference to the delegation from Washington county,

Which report was concurred in.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred

Senate File No. 73,

A bill for an act further regulating the suing out of writs of error in the district court,

Reported the same back to the Senate,

And recommended its passage.

The bill was

Ordered to be engrossed and read a third time to-morrow.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred
House File No. 13,

A bill for an act to change the boundaries of the ninth judicial district,

Reported the same back to the Senate, with one amendment, to-wit:

Striking out, in the last section "Muscatine Journal," and inserting "Albia Independent Press."

Mr. Neal

Moved to amend the amendment by striking out "Albia Independent Press," and inserting "Chariton Mail."

Amendment lost.

The amendment of the committee was then adopted.

On motion of Mr. Anderson,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred
Senate File No. 74,

An act providing for the additional security of public money,

Reported the same back to the Senate,
With the following amendments, to-wit:

Strike out the word "same" in the fifth line of the first section, and insert "said."

In the last line of the first page strike out the word "five" and insert "ten."

The first amendment was lost.

The second amendment was adopted.

Mr. Neal

Moved to lay the bill upon the table, and

Demanded the yeas and nays,

Which were as follows:

The yeas were—

Senators Neal, Test, Thompson, Warner—4.

The nays were—

Senators Anderson, Atkins, Brigham, Carter, Cattell, Cleaver, Cook, Dale, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Ramsay, Reed, Rusch, Stewart, Trimble, Wilkinson, Mr. President—24.

The motion was lost.

Mr. Neal

Moved to amend by striking out the word, "same," in the first section,

Which motion was lost.

On motion of Mr. Loughridge,

The eleventh rule was suspended,

And the bill

Read the third time.

The question being upon the final passage of the bill,

Mr. Neal

Demanded the yeas and nays,

Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brigham, Carter, Cattell, Cleaver, Cook, Dale, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Ramsay, Reed, Rusch, Stewart, Thompson, Trimble, Warner, Wilkinson, Mr. President—26.

The nays were—

Senator Neal—1.

The bill was passed and the title agreed to.

The following message from the Governor was received and read.

EXECUTIVE OFFICE, }
Iowa City, January 7th, 1857. }

To the Senate and

House of Representatives :

In conformity with the request therein contained, I herewith transmit for your consideration the Joint Resolutions of several states of this confederacy :

1. Resolutions of the State of Rhode Island and Providence Plantation, in favor of the payment of the claims of American citizens for spoliations committed on their commerce under authority of the French Government anterior to the year 1800.

2. Resolves of the commonwealth of Massachusetts upon the same subject, seeking the same end.

3. Resolutions of the State of Michigan in relation to the construction of a ship canal around the falls of Niagara.

4. Resolutions of the State of Alabama in favor of the abolition of the duty on Railroad iron.

5. Resolutions of the State of Connecticut in relation to the abrogation of the Missouri Compromise.

6. Resolutions of the State of Vermont in relation to Kansas.

7. Resolutions of the State of Ohio in regard to Kansas.

8. Resolutions of the commonwealth of Massachusetts in relation to Kansas.

9. Resolutions of the commonwealth of Massachusetts on the same subject.

10. Resolutions of the State of Maine relating to slavery.

11. Resolutions of the State of Rhode Island and Providence Plantations, asking of Congress the imposition of secure penalties against the introduction or importation into this country of foreign paupers and foreign criminals.

12. Resolutions of the State of New Hampshire, on the same subject, and containing the same prayer.

13. Resolves of the State of Maine, relating to the extension of Slavery, and denunciatory of secret political associations.

14. Resolutions of the State of Arkansas on the subject of Slavery, and condemning the fanaticism of the people of Ohio.

15. Resolutions of the State of New Hampshire, responding to the foregoing resolutions of the State of Arkansas.

JAMES W. GRIMES.

On motion of Mr. Loughridge,

The resolutions and accompanying documents were laid upon the table, and ordered to be transmitted to the House of Representatives.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred
Senate File No. 31,

A bill for an act relating to the taking of depositions,

Reported the same back to the Senate,

With the following amendment to section 3, to-wit:

"Provided that when the plaintiff desires to take the deposition of any witness residing in the State of Iowa, he may do so without suing out any commission, or filing with the clerk any written interrogatories, but shall only be required to give a notice to the clerk, as hereinafter provided."

Mr. Loughridge

Moved to amend the last section by striking out the Iowa City Republican and Iowa Capital Reporter, and insert "according to law."

Which amendment was adopted,

The bill was

Ordered to be engrossed and read a third time to-morrow.

Mr. Loughridge

Had leave to introduce

Senate File No. 92,

An act in relation to the redemption of lands sold by the foreclosure of mortgages,

Which was
Read the first and second times, and
On motion of Mr. McCrary, was
Referred to the committee on the Judiciary.

Mr. Loughridge
Had leave to introduce
Senate File No. 89,
A bill for an act concerning a state road therein named,
Which was
Read the first and second times, and
On his motion was
Referred to the committee on Roads.

Mr. McPherson
Had leave to introduce
Senate File No. 93,
A bill for an act to locate a state road from Winterset to Osceola,
Which was
Read the first and second times, and
On his motion, was
Referred to the committee on the Judiciary.

Mr. McPherson
Had leave to introduce
Senate File No. 94,
A bill for an act to locate a state road from Lewis, in Cass county,
to Quincy, in Adams county,
Which was
Read the first and second times, and
On his motion, was
Referred to the committee on Roads.

Mr. Cook
Had leave to introduce
Senate File No. 95,
A bill for an act to amend chapter 136 of the Code of Iowa,
Which was
Read the first and second times, and
On his motion, was
Referred to the committee on Charitable Institutions.

Mr. Trimble

Had leave to introduce

Senate File No. 96,

A bill for an act to vacate a certain grave-yard therein named, and authorizing the sale of the grounds occupied by the same.

Which was

Read a first and second times, and

On his motion,

The eleventh rule was suspended, the bill read the third time, passed and the title agreed to.

Mr. Trimble

Had leave to introduce

Senate File No. 97,

A bill for an act authorizing the county recorder of Davis county, Iowa, to re-index certain records therein named,

Which was

Read the first and second times, and

On his motion,

The eleventh rule was suspended, the bill read the third time, passed and the title agreed to.

Mr. Warner

Had leave to introduce

Senate File No. 98,

A bill for an act to locate a state road from Fort Des Moines to Pleasant Plain via Indianola and Osceola.

Which was

Read the first and second times, and

On his motion, was

Referred to the committee on Roads.

Mr. Warner

Moved that the Senate adjourn.

Motion lost.

Mr. McPherson

Had leave to introduce

Senate File No. 99,

A bill for an act to locate a state road from Ft. Des Moines, in Polk county, to Afton, in Union county.

Which was
Read the first and second times, and
On motion of Mr. Jordan,
Referred to the committee on Roads.

Mr. Jordan
Had leave to introduce
Senate File No. 100,
A bill for an act to locate a state road.
Which was
Read the first and second times, and
On his motion,
Was referred to the committee on roads.

On motion of Mr. Reed,
The Senate adjourned.

TWO O'CLOCK P. M.

BILLS ON FIRST READING.

House File No. 47,
A bill for an act to change the name of a railroad therein named.
Which was
Read the first and second times, and
On motion of Mr. Thurston,
The eleventh rule was then suspended, and the bill read the third time.
On motion of Mr. Thurston,
The vote by which the rule was suspended, and the bill read a third time, was re-considered.
On motion of Mr. Thurston,
The bill was amended by inserting Iowa Capital Reporter in the last section.

The eleventh rule was suspended, the bill

Read the third time,

Passed and the title agreed to.

House File No. 36,

A bill for an act to amend an act entitled an act concerning fences.

Which was

Read the first and second times, and

On motion of Mr. McPherson,

Was referred to the committee on Agriculture.

House File No. 81,

A bill for an act to alter a road from Overman's to Washington Ferry, was

Read the first and second times, and,

On motion of Mr. Wilkinson,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

House File No. 111,

A joint resolution to procure additional mail facilities, was

Read the first and second times, and,

On motion of Mr. Wilkinson,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

Senate File No. 60,

A bill for an act to amend the charter of the city of Council Bluffs,

Was returned from the House of Representatives with one amendment,

Which amendment was adopted.

On motion of Mr. Test,

The vote by which the amendment was adopted was reconsidered.

On motion of Mr. Test,

The bill was referred to a special committee.

The President

Appointed Senators Test, Trimble and Carter said committee.

Mr. Matthews,

THE SENATE.

• 205

From the committee on Incorporations to whom was referred a petition from Silas Scott and others, citizens of Oskaloosa,

Reported the same back by bill,

Senate File No. 101,

A bill for an act to extend the corporate limits of the city of Oskaloosa,

Which was

Read the first and second times, and,

On motion of Mr. Loughbridge,

The eleventh rule was suspended, the bill read a third time, passed and the title agreed to.

On motion of Mr. Matthews,

Senate File No. 50,

A bill for an act to incorporate the town of Glenwood,

Was taken from the table,

The amendment of the committee agreed to,

And the bill

Ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Loughbridge,

Senate File No. 66,

A bill for an act fixing the salaries of the Supreme and District Court Judges of this State, and providing for their payment,

Was taken from the table.

Mr. Ramsay

Moved to fill the first blank by inserting \$2,000.

Mr. Wilkinson

Moved to insert \$2,500.

Mr. Cook

Moved to insert \$2,300.

On motion of Mr. Test,

The Senate adjourned until seven o'clock P. M.

SEVEN O'CLOCK, P. M.

Mr. Warner

Moved that the Senate adjourn until half past nine o'clock to-morrow morning,

Which motion was lost.

Mr. Trimble,

Moved that the Senate adjourn,

Which motion was lost.

The question being upon filling the first blank with \$2,500,

The yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Coolbaugh, Jenkins, Loughridge, Stewart, Test, Thompson, Trimble, Wilkinson, Mr. President—8.

The nays were—

Senators Anderson, Atkins, Brown, Carter, Cattell, Cleaver, Dale, Foster, Grinnell, Hogan, Jordan, Kirkwood, Matthews, McCoy, McCrary, McCulloch, McPherson, Neal, Rameay, Reed, Warner—21.

The motion was lost.

The question being upon filling the first blank with \$2,300,

The yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Cattell, Coolbaugh, Cook, Grinnell, Jenkins, Loughridge, Rusch, Stewart, Test, Thompson, Trimble, Wilkinson, Mr. President—18.

The nays were—

Senators Anderson, Atkins, Brown, Carter, Cleaver, Dale, Fos-

ter, Hogan, Jordan, Kirkwood, Matthews, McCoy, McCrary, McCulloch, McPherson, Neal, Ramsay, Reed, Warner—19.

The motion was lost.

The question being upon filling the first blank with \$2,000,

The yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Anderson, Atkins, Carter, Cattell, Cleaver, Coolbaugh, Cook, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCrary, McCulloch, McPherson, Neal, Ramsay, Reed, Rusch, Stewart, Trimble, Warner, Wilkinson, Mr. President—26.

The nays were—

Senators Brown, Dale, Foster, McCoy, Test, Thompson—6.

Motion adopted.

Mr. Anderson

Moved to strike out the second section of the bill.

Mr Anderson

Moved the Senate adjourn.

Mr. Coolbaugh

Demanded the yeas and nays,

Which were as follows:

The yeas were—

Senators Anderson, Cattell, Cook, Dale, Hogan, Jordan, Kirkwood, McCoy, Neal, Ramsay, Thompson, Trimble, Wilkinson, Mr. President—12.

The nays were—

Senators Atkins, Carter, Cleaver, Coolbaugh, Foster, Grinnell, Jenkins, Loughridge, Matthews, McCrary, McCulloch, McPherson, Reed, Rusch, Stewart, Test, Warner—17.

On motion of Mr. Neal,

A call of the House was ordered.

Leave of absence was granted to Senators Brigham and Thurston.

~~Senators Birge and Saunders~~ were found to be absent.

On motion of Mr. Foster,

Further proceedings under the call were dispensed with.

Mr. Ramsey

Moved that the Senate adjourn.

Upon which motion,

The yeas and nays were demanded,

Which were as follows:

The yeas were—

~~Senators Anderson, Atkins, Carter, Cattell, Cook, Hogan, Jordan, McCoy, McCrary, Neal, Ramsey, Rusch, Stewart, Thompson, Wilkinson, Mr. President—16.~~

The nays were—

Senators Brown, Cleaver, Coolbaugh, Dale, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, Matthews, McCulloch, McPherson, Reed, Trimble, Warner—16.

Motion lost.

The question being on striking out the second section of the bill,

Mr. Ramsey demanded the yeas and nays,

Which were as follows:

The yeas were—

Senators Anderson, Cattell, Jenkins, Loughridge, McCoy, McCrary, Reed Trimble, Wilkinson—9.

The nays were—

Senators Atkins, Brown, Carter, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jordan, Kirkwood, Matthews, McCulloch, McPherson, Neal, Ramsey, Rusch, Stewart, Test, Thompson, Trimble, Warner, Mr. President—24.

Motion lost.

Mr. Wilkinson

Moved that the Senate adjourn,

Which motion was lost.

Mr. Trimble

Moved to lay the bill on the table,

Upon which motion,

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Anderson, Carter, Cattell, Hogan, Jenkins, Jordan, McCoy, Neal, Reed, Rusch, Trimble, Wilkinson, Mr. President—13.

The nays were—

Senators Atkins, Brown, Cleaver, Coolbaugh, Dale, Foster, Grinnell, Kirkwood, Loughbridge, Matthews, McCoy, McCulloch, McPherson, Ramsay, Stewart, Test, Thompson, Warner—19.

Mr. Cook

Moved to fill the blank with \$1,500.

Mr. Test

Moved to fill the blank with \$1,800.

Mr. Thompson

Moved to fill the blank with \$2,000.

Mr. Wilkinson

Moved to fill the blank with \$2,500.

Mr. Rusch

Moved to fill the blank with \$1,400.

Mr. Trimble

Moved to fill the blank with two dollars per day, and ten cents per mile for mileage.

Mr. Foster

Moved to fill the blank with \$1,250.

Mr. Anderson

Moved to fill the blank with \$1,001.

Mr. Reed

Moved to refer the bill to the committee on the Judiciary,

Which motion was lost.

On motion of Mr. Carter,

The Senate adjourned.

SENATE CHAMBER, }
January 7th, 1857.—10 A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of Dec. 23d, 1856, read and approved.

Message from the House of Representatives,
By Mr. Logan, Chief Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House of Representatives has passed the following bills, in which the concurrence of the Senate is asked.

House File No. 120,

A bill for an act to amend chapter 161 of the laws of the Fifth General Assembly.

House File No. 135,

A bill for act to repeal chapter 35 of the acts of the extra session, 1856.

I am further directed to inform the Senate that the House has passed, without amendment,

Senate File No. 85,

A bill for an act to vacate a sub-division of land by C. F. Conn in Lee county.

I herewith present for your signature,

Senate Files No. 239, 62, 99, 114,

The same having passed both Houses of the General Assembly, and been signed by the Speaker of the House of Representatives.

J. W. LOGAN,
Clerk.

The following bills, having passed both branches of the General Assembly, and been signed by the Speaker of the House of Repre-

representatives and President of the Senate, were endorsed by the Secretary, and placed in the hands of the enrolling committee, to be presented to the Governor, to-wit:

Senate File No. 46,

A bill for an act to establish a Recorder's office in the city of Keokuk.

Also,

Senate File No. 38,

A bill for an act to vacate an alley in the city of Keosauqua.

Also,

Senate File No. 43,

Joint resolution to establish a Custom House and Marine Hospital in the city of Keokuk.

Also,

Senate File No. 53,

A bill for an act to locate a state road from Mount Air, in Ringgold county, to Clarinda, in Page county.

Also,

Senate File No. 63,

Joint resolution asking additional mail facilities.

Also,

Senate File No. 64,

Joint resolution to procure additional mail facilities.

Also,

Senate File No. 65,

Joint resolution asking to enlarge the boundaries of the State of Iowa.

Also,

Senate File No. 68,

A bill for an act authorizing the county Judge of Linn county to transcribe certain records of said county.

Also, . . .

Senate File No. 86,

Joint resolution for increased mail facilities.

PETITIONS.

Mr. McCoy

Presented a petition from W. Waitman and 99 others, asking for the location of a state road from Centre Point in Linn county, to Waterloo in Black Hawk county,

Which was,

On motion of Mr. McCoy,

Referred to a special committee.

The President appointed
Senators McCoy, Jordan and Brown said committee.

Mr. Grinnell

Presented a petition from Jonathan Reed, Sr., and 41 others, asking for the location of several state roads therein named.

The petition was,

On motion of Mr. Grinnell,

Referred to the delegation from Jasper and Marshall counties.

Mr. Test

Presented a petition from W. Barton and 17 others, asking for the establishment of a state road from Ashton, Monona county, to intersect with the road running from Fort Des Moines to Sioux City, at Dunham's Grove, in Crawford county.

The petition was,

On motion of Mr. Test,

Referred to the committee on Roads.

Mr. Test

Presented a petition from Chas. B. Thompson and 16 others, asking for the location of a state road as above mentioned,

Which was,

On motion of Mr. Test,

Referred to the committee on Roads.

Mr. Foster

Presented a petition from Squire Osborn, and 20 others, asking the passage of a general law to enable persons owning small quantities of timber, to secure suitable roads thereto.

The petition was,

On motion of Mr. Foster,

Referred to the committee on Roads.

Mr. Loughridge

Presented a petition from Wm. L. Johnson, and 92 others, asking for the passage of a law authorizing the Superintendent of Public Instruction to subscribe for the "Voice of Iowa," to be distributed among the school districts of the State.

The petition was,

On motion of Mr. Loughridge,

Referred to the committee on Schools.

Mr. Hogan

Presented a petition from H. A. Schaff and 35 others, remonstrating against any alteration in the state road running from Iowa City to Sigourney.

The petition was,

On his motion,

Referred to the delegation from Washington and Johnson counties.

Mr. Warner

Presented a petition from A. B. Bishop and 43 others, asking for the location of a state road therein named,

Which was,

On his motion,

Referred to the committee on Roads.

Mr. Warner

Presented a petition from Samuel O. Thompson, county Judge of Decatur county, and 26 others, asking for the location of a state road therein named.

The petition was,

On motion of Mr. Warner,

Referred to the committee on Roads.

Mr. Warner

Presented a petition from John R. Wharton and 104 others, citizens of Decatur county, asking for the location of a state road therein named.

The petition was,
On motion of Mr. Warner,
Referred to the committee on Roads.

Mr. Warner

Presented a petition from T. A. Royston and 9 others, asking for the location of a state road therein named,
Which was,
On motion of Mr. Warner,
Referred to the committee on Roads.

Mr. Grinnell

Presented a petition from J. S. Church and 71 others, citizens of Cerro Gordo county, remonstrating against any change in the boundaries of said county.

The petition was,
On motion of Mr. Grinnell,
Referred to the committee on County Boundaries.

RESOLUTIONS AND NOTICES OF BILLS.

Mr. Coolbaugh

Presented the following resolution,
Which was adopted, to wit:

Resolved, That the Secretary of State be requested to lay before the Senate a copy of the report filed in his office by the commissioners appointed by his Excellency the Governor to re-locate the seat of government of this State.

By Mr. Foster,

Notice of a joint resolution respecting the pre-emption laws.

By Mr. Jenkins,

Notice of a bill for an act to punish the obstruction of public roads and bridges.

By Mr. Carter,

Notice of a bill changing the time of holding the district court in the tenth judicial district.

Mr. Coolbaugh,

Introduced the following resolution,
Which was adopted.

Resolved, That his excellency, the Governor, be requested to inform the Senate whether any appointment has been made of a State Geologist, in accordance with the provisions of an act providing for the geological survey of the State, approved January 23d, 1859;—and if so, whether said officer has entered upon the discharge of his duties, and what progress he has made.

By Mr. Cattell,

Notice of a bill for an act to incorporate the town of Tipton in Cedar county.

By Mr. Ramsay,

Notice of a bill for an act to authorize Paul C. Jeffreys to transcribe and index the records of Wapello county.

By Mr. Ramsay,

Notice of a bill to authorize the legal voters of Columbia township, Wapello county, to elect an additional justice of the peace.

By Mr. Cattell,

Notice of a bill for an act to amend chapter 48 of the acts of 1852-3, relating to road supervisors.

By Mr. Test,

Notice of a bill for an act to incorporate Sioux City.

REPORTS OF COMMITTEES.

Mr. Foster,

From the committee on Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Engrossed Bills, report that they have examined the following bills, and find the same correctly engrossed, to-wit:

Senate File No. 31,

An act to provide for taking of depositions in cases of non-resident defendants.

Also,

Senate File No. 73,

A bill for an act further regulating the suing out writs of error, in the district courts.

CHARLES FOSTER,

Chairman.

Mr. Cook

From the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills, report,

That they have examined the following bills, and find the same correctly enrolled :

Senate File No. 46,

An act to establish a Recorder's office in the city of Keokuk.

Also,

Senate File No. 38,

An act to vacate a certain alley in the city of Keosauqua.

Also,

Senate File No. 43,

Joint resolution in relation to the establishment of a custom-house and marine hospital in the city of Keokuk.

Also,

Senate File No. 53,

An act to locate a state road from Mount Air, in Ringgold county, to Clarinda, in Page county.

Also,

Senate File No. 63,

Joint resolution for additional mail facilities in the counties of Tama, Marshall, Iowa and Hardin.

Also,

Senate File No. 64,

Joint resolution to procure additional mail facilities.

Also,

Senate File No. 65,

Joint resolution respecting the boundaries of the State of Iowa.

Also,

Senate File No. 68,

An act authorizing the county judge of Linn county, Iowa, to transcribe certain records of said county.

Senate File No. 36,

Joint resolution for increased mail facilities.

LYMAN COOK,

Chairman.

Mr. Cook,

From the special committee to whom was referred for examination,

A tax table, arranged for calculating taxes,

Made the following report:

"That having examined the matter, do not see that the State can be benefited by purchasing the same, and believing that the county judges have authority now to purchase all necessary books for the use of the counties, deem it unnecessary to make any recommendation in relation thereto."

L. COOK,

Chairman.

Mr. Atkins

Had leave to introduce

Senate File No. 102,

A bill for an act to organize the county of Worth and annex territory thereto,

Which was

Read the first and second times,

And was,

On motion of Mr. Grinnell,

Referred to the committee on County Boundaries.

Mr. Cook

Had leave to introduce

Senate File No. 103,

A joint resolution for an appropriation for building a custom house in the city of Burlington,

Which was

Read the first and second time, and

On motion of Mr. Coolbaugh,

The eleventh rule was suspended,
The bill read the third time,
Passed and the title agreed to.

Mr. Jenkins
Had leave to introduce
Senate File No. 104,
A bill to extend the jurisdiction of justices of the peace,
Which was
Read the first and second times, and
On his motion,
The bill was
Referred to the committee on the Judiciary.

Mr. Ramsay
Had leave to introduce
Senate File No. 105,
A bill for an act in relation to the assessment of property,
Which was
Read the first and second times, and
On motion of Mr. Cattell, was
Referred to a special committee.

The President appointed
Senators Cattell, Carter, Ramsay and Kirkwood said committee.
On motion of Mr. Kirkwood,
Senate File No. 22,
Was taken from the table and
Referred to the same committee.

Mr. Stewart
Had leave to introduce
Senate File No. 106,
A bill for an act to authorize the election of an additional justice
of the peace in the town of New Vienna, Dubuque county,
Which was
Read the first and second times and
On his motion,
The eleventh rule was suspended,
The bill read the third time,
Passed and the title agreed to.

Mr. Kirkwood

Presented the following resolution,

Which was adopted:

Resolved, That the committee on schools be instructed to inquire and report, by bill or otherwise, whether any, and if any, what further legislation is required for the security of school funds in the hands of the county school fund commissioners of the State.

Mr. Thompson

Had leave to introduce

Senate File No. 107,

A bill for an act regulating trials and appeals in county courts,

Which was

Read the first and second times and

On his motion, was

Referred to the committee on the Judiciary.

Mr. Trimble

Had leave to introduce

Senate File No. 108,

A bill for an act authorizing the conveyance of real estate of deceased persons in certain cases,

Which was

Read the first and second times, and

On motion of Mr. Loughridge, was

Referred to the committee on the Judiciary.

Senate File No. 66,

A bill for an act fixing the salaries of the Judges of the supreme and district courts,

Was taken up.

The question being upon filling the second blank with \$2,500.

Motion lost.

The question being upon filling the blank with \$2,000,

Mr. Test called for the yeas and nays,

Which were as follows:

The yeas were—

Senators Rusch, Test, Thompson—3.

The nays were—

Senators Anderson, Atkins, Brigham, Brown, Carter, Cattell,

Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McCulloch, McPherson, Ramsey, Stewart, Thurston, Trimble, Warner, Wilkinson, Mr. President—29.

Motion lost.

On motion of Mr. Brigham,
The Senate adjourned.

TWO O'CLOCK P. M.

The President

Laid before the Senate the following communication from the Governor,

Which was laid upon the table.

EXECUTIVE OFFICE, {
Iowa City, January 7, 1857. }

To the Senate and

House of Representatives :

In obedience to instructions of the General Assembly, embodied in their Resolution entitled a "Joint Resolution making an appropriation for the State Library," approved the 25th January, 1855, I purchased, on the 16th day of September last, of Banks, Gould & Co., of New York, one hundred and one volumes of law books, at a cost of three hundred and thirty dollars, and of Daniel Appleton & Co., three hundred and three volumes of miscellaneous books, at a cost of five hundred and sixty-four dollars, sixty-six cents; all of which have been deposited in the State Library.

I was instructed by the Joint Resolution to expend four hundred dollars in law books, but as the catalogue furnished by the judges of

the supreme court, of such books as they desired to be procured for the law library, only amounted in value to two hundred and seventy-four dollars, I did not think proper to expend more than the amount before stated for this purpose, and therefore expended the balance of sixty-four dollars, sixty-six cents, in the purchase of miscellaneous books.

The amount drawn by me from the Treasury.

under the Joint Resolution, was	- - - - -	\$900 00
Amount paid Banks, Gould & Co.,	- - - - -	\$330 00
Amount paid Daniel Appleton & Co.,	- - - - -	564 66
Total amount expended,	- - - - -	<u>894 66</u>

Leaving an unexpended balance of	- - - - -	5 44
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I transmit you herewith the receipted bills of Banks, Gould & Co., and Daniel Appleton & Co., and a duplicate copy of the receipt of the Treasurer of State, for five dollars, forty-four cents, it being for the unexpended balance of the appropriation, which I have deposited in the State Treasury.

JAMES W. GRIMES.

The question being upon filling the second blank of

Senate File No. 66,

With \$1,800,

The motion was lost.

Mr. Neal

Moved to re-consider the vote by which the Senate refused to strike out the second section of the bill,

Upon which motion,

Mr. Test

Called for the yeas and nays,

Which were as follows :

The yeas were—

Senators Anderson, Brigham, Carter, Cleaver, Jenkins, McCrary, McCulloch, Neal, Ramsey, Reed, Stewart, Thurston, Wilkinson, Mr. President—14.

The nays were—

Senators Atkins, Brown, Cattell, Coolbaugh, Cook, Dale, Foster,

Grinnell, Hogan, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McPherson, Rusch, Saunders, Test, Thompson, Trimble, Warner—21.

Motion lost.

Mr. Trimble

Moved to lay the bill upon the table.

Upon which motion,

Mr. Coolbaugh

Called for the yeas and nays,

Which were as follows:

The yeas were—

Senators Anderson, Brigham, Birge, Carter, Cattell, Cleaver, Jenkins, McCoy, McCrary, Neal, Ramsey, Reed, Thurston, Trimble, Wilkinson—15.

The nays were—

Senators Atkins, Brown, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jordan, Kirkwood, Loughridge, Matthews, McCulloch, McPherson, Rusch, Saunders, Stewart, Test, Thompson, Warner, Mr. President—21.

Motion lost.

The question being upon filling the blank with \$1,500,

The yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Brigham, Coolbaugh, Cook, Grinnell, Jenkins, McCulloch, Ramsey, Reed, Rusch, Saunders, Stewart, Test, Thompson, Thurston, Mr. President—15.

The nays were—

Senators Anderson, Atkins, Brown, Birge, Carter, Cattell, Cleaver, Dale, Foster, Hogan, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Neal, Trimble, Warner, Wilkinson—21.

Motion lost.

The question being upon filling the blank with \$1,400,

Mr. Neal called for the yeas and nays,

Which were as follows :

The yeas were—

Senators Cattell, Coolbaugh, Cook, Grinnell, Jenkins, McCulloch, Ramsay, Reed, Rusch, Saunders, Stewart, Test, Thompson, Mr. President—14.

The nays were—

Senators Anderson, Atkins, Brigham, Brown, Birge, Carter, Cleaver, Dale, Foster, Hogan, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Neal, Thurston, Trimble, Warner, Wilkinson—22.

Motion lost.

Mr. Brigham

Moved to fill the blank with \$1,000.

Mr. Rusch

Moved to fill it with \$1,350.

Mr. Thompson

Moved to fill the blank with \$10 per month, and their constituency to furnish their board while on the circuit.

The question being upon filling the blank with \$1,350,

The yeas and nays were demanded,

And were as follows :

The yeas were—

Senators Cattell, Coolbaugh, Foster, Grinnell, Jenkins, McCulloch, Ramsey, Reed, Rusch, Mr. President.—10.

The nays were—

Senators Anderson, Atkins, Brigham, Brown, Burge, Carter, Cleaver, Cook, Dale, Hogan, Jordan, Kirkwood, Loughridge, Matthews, McCrary, McPherson, Neal, Saunders, Stewart, Test, Thompson, Thurston, Trimble, Warner, Wilkinson.—26.

Motion lost.

The question being upon filling the blanks, with \$1250,

Mr. Test called for the yeas and nays,

Which were as follows :

The yeas were—

Senators Brown, Cattell, Cleaver, Coolbaugh, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Matthews, Ramsay, Reed, Rusch, Saunders, Mr. President—16.

The nays were—

Senators Anderson, Atkins, Brigham, Birge, Carter, Cook, Dale, Loughridge, McCoy, McCrary, McCulloch, McPherson, Neal, Stewart, Test, Thompson, Thurston, Trimble, Warner, Wilkinson—20.

Motion lost.

The question being upon filling the blank with \$1200,

The yeas and nays were ordered,

And were as follows :

The yeas were—

Senators Atkins, Brown, Birge, Carter, Cattell, Cleaver, Coolbaugh, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McPherson, Ramsay, Reed, Saunders, Trimble, Warner, Mr. President—24.

The nays were—

Senators Anderson, Brigham, Cook, McCrary, McCulloch, Neal, Rusch, Stewart, Test, Thompson, Thurston, Wilkinson—12.

Motion adopted.

Mr. Trimble

Offered the following amendment to the first section of the bill, to-wit :

“ Provided, That said judges of the supreme court shall receive for the first year’s salary the sum of three thousand dollars each.”

The question being upon the amendment,

The yeas and nays were demanded,

And were as follows :

The yeas were—

Senators Test, Thompson, Trimble—3.

The nays were—

Senators Atkins, Brigham, Brown, Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McCulloch, McPherson, Reed, Rusch, Saunders, Stewart, Thurston, Warner, Wilkinson, Mr. President—33.

Amendment lost.

Mr. Trimble

Moved to strike out in the third section, the words first day of September, and insert the sixth day of August,

Which motion was adopted.

Mr. Brigham

Offered the following amendment to the second section of the bill, to-wit:

Provided, however, that the annual salary of the district Judge of the first judicial district shall be fifteen hundred dollars.

Mr. Thompson

Moved to amend the amendment by adding after the word first the words and fourth.

Mr. Stewart

Moved to lay the amendment on the table,

Which motion was lost.

The question being upon the amendment to the amendment,

Which amendment was not adopted,

The yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brigham, Cleaver, Cook, Grinnell, McCrary, McCulloch, Neal, Reed, Saunders, Thurston.—18.

The nays were—

Senators Brown, Burge, Carter, Cattell, Coolbaugh, Dale, Foster, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McPherson, Ramsay, Rusch, Stewart, Thompson, Trimble, Warner, Wilkinson, Mr. President.—23.

Amendment lost.

On motion of McCrary,
 The eleventh rule was suspended,
 The bill read the third time,
 The question being upon the final passage of the bill,
 Mr. Coolbaugh called for the yeas and nays,
 Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brown, Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McCulloch, McPherson, Ramsey, Reed, Saunders, Trimble, Warner, Wilkinson, Mr. President.—29.

The nays were—

Senators Brigham, Neal, Rusch, Stewart, Test, Thompson, Thurston.—7.

The bill was
 Passed and the title agreed to.

NOTICE OF BILLS.

By Mr. Warner,

Notice of a bill for an act fixing the times of holding courts in the ninth judicial district.

Mr. Thompson

Offered the following resolution,

Which was not adopted:

Resolved, That the messengers and firemen be allowed stationery for all purposes, the same as the members of the Senate.

On motion of Mr. Cleaver,

The following resolution was taken from the table and passed:

Resolved, That the Senate will meet at 9 o'clock ^{A.} M. during the present session.

A communication was received from the Governor, and the Senate went into an executive session.

After a short executive session, Senate rose, and,

On motion,

Adjourned.

SENATE CHAMBER, }
January 8th, 1857.—9 A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

Mr. Grinnell

Presented a petition from R. Sears and 40 others, citizens of Poweshiek county, asking for a law to support schools by tax on all taxable property.

The petition was,

On motion of Mr. Grinnell,

Referred to the committee on Schools.

Mr. Foster

Presented a petition from Andrew J. Woodward and 35 others, asking for the location of a state road from Brighton, in Washington county, to Oskaloosa.

The petition was,

On motion of Mr. Foster,

Referred to the delegation from Keokuk, Washington and Mahaska counties.

Mr. Coolbaugh,

Presented a memorial from the Iowa Historical Geological Society, asking for an appropriation.

The memorial was,
On motion of Mr. Coolbaugh,
Was referred to the committee on Federal relations.

Mr. Loughridge,

Presented a petition from the officers of the Mahaska County Teachers's Association, asking for a law authorizing the Superintendent of Public Instruction to subscribe for the Voice of Iowa, to each of the School districts of the State,

The petition was,
On motion of Mr. Loughridge,
Referred to the committee on schools.

Mr. Brown

Presented a petition from Charles B. Richards and 12 others, asking for the location of a state road from Waterloo to Fort Dodge.

The petition was,
On his motion,
Referred to a special committee.

The President
Appointed Senators Brown, Carter and Jordan said committee.

Mr. Neal

Presented a memorial from Henry P. Sholte, relating to the Des Moines River Improvement,

Which was,
On his motion,
Referred to the committee on the Des Moines River Affairs.

Mr. Loughridge

Presented the following resolution :

Resolved, That the Senator from Wapello county, and the Senator from Polk county be added to the committee on the Des Moines River Improvement Affairs.

On motion of Mr. Cleaver,
The resolution was laid upon the table.

Message from the House of Representatives,
By Mr. Logan, Chief Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the

following bill, in which they ask the concurrence of the Senate.

House File No. 12,

A bill for an act to increase the number of voting places.

Also,

House File No. 59,

A bill for an act for the relief of W. W. Williamson.

Also,

House File No. 91,

A bill for an act creating the fourteenth judicial district and fixing the times of holding the courts therein.

Also,

House File No. 182,

A bill for an act to authorize the county judge of Keokuk county to have the road record of said county transcribed and to legalize the same.

Also,

House File No. 186,

A bill for an act amendatory to chapter 136 of the Code of Iowa.

Also,

House File No. 47,

Joint resolutions for additional mail facilities from Winterset to Osceola.

Also,

House File No. 149,

Joint resolutions for additional mail facilities from Marietta to Steamboat Rock.

Also,

House File No. 155,

A bill for an act to authorize the collection of taxes in the county of Jasper for the year 1854.

Also,

House File No. 117,

A bill for an act for the re-location of the burial ground in Delhi, and to provide for the removal of the dead.

Also,

House File No. 48,

A bill for an act authorizing the election of an additional justice the peace.

I am further directed to inform the Senate that the House has passed without amendment, the following Senate Files:

No. 24,

A bill for an act to amend chapter 42 of the Session Laws of 1854-5.

Also,

No. 47,

A bill for an act providing for the education of the blind.

Also,

No. 76,

A bill for an act to amend the charter of the town of Fairfield.

Also,

That the House has rejected the following Senate Files:

No. 28,

A bill for an act to repeal an act in relation to divorce and alimony, and to revive chapter 86 of the Code of Iowa.

Also,

No. 51,

A bill for an act repealing so much of chapter 166 of the Code of Iowa, as gives the right of challenge to the panel of the grand jury.

J. W. LOGAN,

Clerk.

NOTICE OF BILLS.

By Mr. Matthews,

Notice of a bill for an act to increase the per diem of county surveyors.

By Mr. Matthews,

Notice of a bill for an act to change the location of a part of the Camanche and Anamosa state road.

By Mr. McPherson,

Notice of a bill for an act fixing the compensation of the Attorney General.

By Mr. Saunders,

Notice of a bill for an act to amend the charter of the city of Mt. Pleasant.

By Mr. Saunders,

Notice of a bill for an act to locate a state road from Mount Pleasant, in Henry county, to Wapello, in Louisa county.

By Mr. Anderson,

Notice of a bill for an act to perfect the title of David Rowles to a certain out lot in the town of Albia.

By Mr. Foster,

Notice of a bill for an act to incorporate the town of Washington.

By Mr. Foster,

Notice of a bill for an act to authorize the county Judge of Washington to provide for indexing the records of surveys made in said county.

By Mr. Grinnell,

Notice of a bill for an act to locate a state road from Montezuma, in Poweshiek, to Toledo, in Tama county.

By Mr. Loughridge,

Notice of a bill for an act to fix the weight of sand and lime.

By Mr. Cattell,

Notice of a bill for an act to create a Union graded school in such school districts as may adopt it by vote.

Mr. Neal

Presented the following resolution,

Which was not concurred in :

Resolved, That the committee on the Des Moines River Improvement Affairs have leave to sit during the session of the Senate.

Mr. Rusch,

From the special committee to whom was referred

House File No. 101,

A joint resolution respecting the naturalization laws,

Reported the same back to the Senate, with sundry amendments.

On motion of Mr. Brigham,

The joint resolution and amendments were re-committed to the same committee.

Mr. Cook

From the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills, report,

That they have presented to His Excellency, the Governor, for his approval, the following bills, viz:

Senate File No. 53,

An act to locate a state road from Mt. Air, in Ringgold county, to Clarinda, in Page county.

Senate File No. 64,

A joint resolution to procure additional mail facilities.

Senate File No. 65,

A joint resolution to Congress asking the enlargement of the boundaries of the State of Iowa.

Senate File No. 63,

A joint resolution for additional mail facilities in the counties of Iowa, Tama, Marshall and Hardin.

Senate File No. 36,

Joint resolution for increase of mail facilities.

Senate File No. 43,

Joint resolution in relation to the establishment of a custom-house and marine hospital in the city of Keokuk.

Senate File No. 68,

An act authorizing the county judge of Linn county, to transcribe certain records of said county.

Senate File No. 38,

An act to vacate an alley in the city of Keosauqua.

Senate File No. 46,

An act to establish a recorder's office in the city of Keokuk.

The committee on Enrolled Bills, report,

That they have examined the following bill, and find the same correctly enrolled:

Senate File No. 35,

A bill entitled an act to incorporate Winterset.

COOK,
Chairman.

Mr. Matthews

From the committee on Incorporations, to whom was referred

House File No. 75,

A bill for an act to incorporate the town of Centreville,

Reported the same back to the Senate,

With one amendment, to-wit:

Add to the last section the words, "At the expense of the said town of Centreville;

Which amendment was adopted.

Mr. Trimble

Moved to amend the last section by striking out Iowa Capital Reporter and insert Iowa Flag,

Which amendment was adopted.

The bill was

Ordered to be engrossed and read a third time to-morrow.

Message from the House of Representatives,
By their Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the following concurrent resolutions:

Resolved, (the Senate concurring,) That the House of Representatives will meet the Senate in the Hall of the House on Monday, the 12th inst., at half past two o'clock, P. M., for the purpose of electing an Associate Judge of the Supreme Court, in the place of Norman W. Isbell, resigned, a State Printer, State Binder and Warden of the Penitentiary.

I herewith return.

Senate File No. 47,

A bill for an act providing for the education of the blind.

The same being correctly endorsed and amendments duly noted.

J. W. LOGAN,

Clerk.

Mr. Carter,

From the special committee to whom was referred

House File No. 6,

A bill for an act fixing the boundaries of the thirteenth judicial district, and fixing times of holding courts therein,

Reported the same back to the Senate, with a substitute, and recommended the passage of the substitute.

On motion of Mr. Anderson,

The bill and substitute were referred to a select committee of five on new business for judicial districts.

The President

Appointed Senators Thompson, Brigham, Anderson, McPherson, and Grinnell said committee.

Mr. Reed

Presented the following resolution :

Resolved, That no Senators be allowed to occupy more than ten minutes in any one speech, nor be allowed to make more than one speech on the same subject.

Mr. Grinnell

Moved to amend the resolution by adding after the word "subject" the words "without the consent of the majority of the Senate."

On motion of Mr. Coolbaugh,

The resolution and amendment were laid upon the table.

Mr. Anderson

From the committee on the Judiciary, to whom was referred

Senate File No. 41,

A bill for an act to establish the twelfth judicial district and fix the times for holding court therein,

Reported the same back to the Senate,

And recommended its reference to the select committee on new business for judicial districts,

Which report was adopted.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred

Senate File No. 37,

A bill for an act to define the boundaries of the sixth judicial district,

Reported the same back to the Senate,

And recommended its reference to the same committee,

Which report was adopted.

Mr. Foster,

From the committee on Agriculture, to whom was referred

Senate File No. 40,

A bill for an act to protect the wool-growing interests,

Reported the same back to the Senate,

With sundry amendments thereto.

On motion of Mr. Test,

The Senate adjourned.

TWO O'CLOCK, P. M.

The Senate having under consideration,

The report of the committee on Agriculture, upon

Senate File No. 49,

The Senate agreed to the first amendment recommended by the committee, to-wit:

Substitute for section second of the bill.

Mr. Cleaver

Moved that the bill with amendments, lie upon the table.

Upon which motion,

Mr. Foster

Called for the yeas and nays,

Which were as follows:

The yeas were—

Senators Brigham, Cleaver, Matthews, McCrary, McCulloch, Ramsay, Wilkinson—7.

The nays were—

Senators Anderson, Atkins, Brown, Birge, Carter, Cattell, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, McCoy, McPherson, Reed, Rusch, Saunders, Stewart, Test, Thompson, Thurston, Trimble, Warner, Mr. President—28.

Motion to lay on the table lost.

The question being on concurring in the second amendment of the committee, to-wit:

To insert as section three of the bill the following:

Every person or agent for another, making application for a bounty, shall be required to appear before a Justice of the Peace in the township where such wolf or wolf's whelp was caught and killed, and produce the scalp of said wolf or wolf's whelp, including the ears of said animal or animals, and state, on oath, the time when, and place where, said wolf or wolf's whelp was caught and killed whereupon, the Justice of the Peace, being satisfied with the claimant's legal right to a bounty, shall disfigure the scalp or scalps so produced, by cutting off the ears of said scalp or scalps, and give such claimant a certificate, directed to the county Judge, for the amount due, and the county Judge shall give an order upon the county Treasurer for said amount, as provided for in section one of this act, which amount shall be paid to said claimant out of the funds of the county treasury.

On motion of Mr. Cattell,

The amendment was laid upon the table.

Mr. Wilkinson

Moved to re-consider the vote by which the amendment was laid upon the table,

Upon which motion,

The yeas and nays were called,

And taken as follows:

The yeas were—

Senators Anderson, Brown, Birge, Carter, Cook, Dale, Foster, Grinnell, Jenkins, Jordan, McCoy, Reed, Rusch, Test, Thompson, Trimble, Warner, Wilkinson—18.

The nays were—

Senators Atkins, Brigham, Cattell, Cleaver, Coolbaugh, Hogan, Kirkwood, Loughridge, Matthews, McCrary, McCulloch, McPherson, Neal, Ramsay, Saunders, Stewart, Thurston, Mr. President—17.

Motion to re-consider prevailed.

The question being upon adopting the amendment,

The yeas and nays were demanded,

And were as follows:

The yeas were—

Senators Anderson, Brown, Birge, Carter, Cook, Dale, Grinnell, Jordan, Loughridge, McCoy, McPherson, Neal, Reed, Rusch, Thompson, Wilkinson, Mr. President—18.

The nays were—

Senators Atkins, Brigham, Cattell, Cleaver, Coolbaugh, Hogan, Jenkins, Matthews, McCrary, McCulloch, Ramsay, Saunders, Stewart, Test, Thurston, Trimble, Warner—17.

Amendment lost.

Mr. Warner

Asked leave to change his vote.

Leave not granted.

Mr. Warner

Moved to re-consider the vote by which the amendment was adopted.

Motion to re-consider prevailed.

The yeas and nays being demanded on adopting the amendment,
Were as follows :

The yeas were—

Senators Anderson, Brown, Birge, Carter, Cook, Dale, Foster, Grinnell, Jordan, Loughridge, McCoy, McPherson, Reed, Rusch, Test, Thompson, Warner, Wilkinson, Mr. President—19.

The nays were—

Senators Atkins, Brigham, Cattell, Cleaver, Coolbaugh, Hogan, Jenkins, Kirkwood, Matthews, McCrary, McCulloch, Neal, Ramsey, Saunders, Stewart, Thurston, Trimble—17.

Amendment adopted.

Mr. Test

Moved to indefinitely postpone the further consideration of the bill,

Upon which motion,

Mr. Ramsey called for the yeas and nays,

Which were as follows :

The yeas were—

Senators Cleaver, Coolbaugh, Hogan, Jordan, Kirkwood, Matthews, McCrary, McCulloch, Neal, Ramsey, Saunders, Stewart, Test, Thurston, Trimble—15.

The nays were—

Senators Anderson, Atkins, Brigham, Brown, Birge, Carter, Cattell, Cook, Dale, Foster, Grinnell, Jenkins, Loughridge, McCoy, McPherson, Reed, Rusch, Thompson, Warner, Wilkinson, Mr. President—21.

Motion lost.

Mr. Ramsey

Moved to amend the first section of the bill by striking out the word "two" before dollars, and inserting "one."

Amendment lost.

Mr. Cook

Moved to suspend the eleventh rule, and that the bill be read a third time now.

Motion lost,

And the bill

Ordered to be engrossed and read a third time to-morrow.

Senate File No. 35,

A bill for an act to incorporate the town of Winterset, in Madison county, having passed both branches of the General Assembly, and been signed by the Speaker of the House of Representatives and President of the Senate, and endorsed by the Secretary, was placed in the hands of the enrolling committee, to be presented to the Governor.

Mr. Test,

From the special committee to whom was referred

Senate File No. 69,

A bill for an act to incorporate the city of Council Bluffs,

Reported a substitute for the same,

Which substitute was adopted, and

Ordered to be engrossed and read a third time to-morrow.

Mr. Brigham

Had leave to introduce

Senate File No. 109,

A bill for an act to limit incorporated companies from holding real estate for the purposes of speculation.

Which was

Read a first and second times, and

On motion of Mr. Test,

Referred to the committee on Incorporations.

Mr. Thompson

Had leave to introduce

Senate File No. 110,

A bill for an act to amend section 498 of the Code of Iowa.

Which was

Read a first and second times, and

On his motion,

Referred to the committee on the Judiciary.

Mr. Ramsay

Had leave to introduce

Senate File No. 111,

A bill for an act for an additional justice of the peace in Wapello county.

Which was

Read a first and second times, and

On his motion,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

Mr. Test
Had leave to introduce
Senate File No. 112,
A bill for an act to incorporate Sioux City,
Which was
Read a first and second times, and
On his motion,
Referred to the committee on Incorporations.

Mr. Jenkins
Had leave to introduce
Senate File No. 113,
A bill for an act to punish obstruction of roads and bridges,
Which was
Read the first and second times, and
On motion of Mr. Thompson,
Referred to the committee on Roads.

Mr. Cattell
Had leave to introduce
Senate File No. 114,
A bill for an act to incorporate Tipton, in Cedar county,
Which was
Read a first and second times, and
On his motion,
Referred to the committee on Incorporations.

Mr. Anderson
Had leave to introduce
Senate File No. 116,
Joint resolution for the relief of Mary Ann Cheney and heirs,
Which was
Read a first and second times, and,
On his motion,
The eleventh rule was suspended.
The bill read the third time,
Passed and the title agreed to.

Mr. Cleaver
Had leave to introduce
Senate File No. 115,
A bill for an act to amend the charter of the city of Wapello,
Which was
Read a first and second times, and,
On his motion, was
Referred to the committee on Incorporations.

Mr. Carter
Had leave to introduce
Senate File No. 117,
A bill for an act to amend an act fixing the times of holding courts
in the tenth judicial district,
Which was
Read the first and second times, and,
On his motion,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

Mr. Carter
Also had leave to introduce
Senate File No. 118,
A bill for an act to authorize the school fund commissioner of
Clayton county to purchase a safe for the use of his office,
Which was
Read the first and second times, and,
On his motion,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

On motion of **Mr. Anderson**,
The report of the commissioners to revise the school laws,
Was taken from the table,
And referred to the committee on schools, with instructions to re-
port upon the propriety of taking action thereon at the present ses-
sion of the General Assembly.

On motion of **Mr. Wilkinson**,
The Senate adjourned.

SENATE CHAMBER, }
January 9th, 1857.—9 A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS.

By Mr. Ramsay,

A petition from Wm. F. Bibb and ten others, asking for certain lands to be detached from Davis county.

The petition was,

On motion of Mr. Ramsay,

Referred to the delegation from Wapello, Van Buren and Davis counties.

By Mr. Stewart,

A petition from L. B. Fifield and 35 others asking a law to change the name of Burrington, in Delaware County, to Manchester,

The petition was,

On motion of Mr. Stewart,

Referred to a special committee.

The President appointed

Senator Stewart said committee.

Mr. Rusch,

Presented a petition from H. Ramming and 500 others, asking for the repeal of the present Prohibitory Liquor Law.

The petition was,

On motion of Mr. Rusch,

Laid upon the table, and

Ordered to be sent to the House of Representatives.

Mr. Thurston,

Moved that 1000 copies be printed for the use of the Senate.

The question being upon ordering 1000 copies to be printed,

The yeas and nays were demanded, and
Were as follows :

The yeas were—

Senators Brigham, Coolbaugh, McCulloch, Neal, Rusch, Stewart,
Thurston—7.

The nays were—

Senators Anderson, Atkins, Brown, Birge, Carter, Cattell, Cleaver, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Ramsay, Reed, Saunders, Test, Thompson, Trimble, Warner, Wilkinson,
Mr. President—29.

Motion lost.

Mr. McCoy

Presented a petition from A. H. Rock and 20 others, asking for the passage of a law authorizing Samuel Douglass and his associates to construct and maintain a dam across the Cedar river in Benton county.

On motion of Mr. Thompson,

The petition was referred to the delegation from Benton county.

Mr. Stewart

Presented a petition from Joseph Dean and 32 others, citizens of Cascade township, Dubuque county, asking for the passage of a law to restrain hogs from running at large.

The petition was,

On motion of Mr. Stewart,

Referred to the delegation from Dubuque and Jackson counties.

Mr. Rusch

Presented a petition from G. C. R. Mitchell and 62 others, asking for a law making Scott county a judicial district entire.

The petition was,

On motion of Mr. Rusch,

Referred to the special committee on new business for judicial districts.

Mr. McCoy

Presented a petition from Andrew McCullough, asking for a divorce from his wife Nancy.

The petition was,
On motion of Mr. Anderson,
Laid upon the table.

Mr. Grinnell

Presented a petition from William C. Smith and 23 others, asking for a law to allow Lydia Allman to sell dower.

The petition was,
On motion of Mr. Grinnell,
Referred to the committee on the Judiciary.

Mr. Test,
Offered the following resolution,
Which was adopted, to-wit:

Resolved, That the Governor be requested to communicate to the Senate, any information in relation to the erection of public buildings at Fort Des Moines.

Mr. Anderson,
Offered the following resolution,
Which was not adopted, to-wit:

Resolved, That no new business will be received without the unanimous consent of the Senate, from and after Tuesday, January 13th, 1857.

NOTICE OF BILLS.

By Mr. Neal,
Notice of a bill to create the 15th judicial district.

Mr. McCoy,
Notice of a bill for an act to repeal chapter 72 of the session laws of 1851.

By Mr. Stewart,
Notice of a bill for an act to alter a portion of the state road running from Independence to Dubuque, by way of Dyersville.

By Mr. Loughridge,
Notice of a bill to repeal certain portions of the act entitled an act for the suppression of intemperance, approved January 22, 1855, and to revive chapter 55 of the Code.

By Mr. Ramsey,

Notice of a bill for an act to incorporate the town of Eddyville.

By Mr. Brigham,

Notice of a bill to authorize school fund commissioners to loan portions of the school fund to aid in the construction of school houses.

The President

Laid before the Senate the following communication of the Governor,

Which was,

On motion of Mr. McCrary,

Laid on the table, and made the special order for to-morrow morning, at 9 o'clock.

EXECUTIVE OFFICE, }
Iowa City, Jan. 8, 1857 }

To the President of the Senate :

SIR—I herewith return to the Senate, where it originated, a bill entitled “an act to vacate an alley in the city of Keosauqua,” without my approval.

The bill seeks to vacate an alley in that city, running through blocks Nos. 34, 35, 36, 37, 38, 40, 41, 42, 87 and 95, and then declares that “the lands so vacated shall be and remain under the control of the city Mayor, and control of said city, the same as though left for public use,” &c.

It further declares that “nothing in this act contained shall give to the original proprietors of said city any right to control or convey the lands so vacated, or give them any rights they would not have had if this law had not passed.”

The manifest intent of the bill is to vacate a highway known as an alley, and, by legislative enactment, prevent the title from reverting to the original proprietors, or to the adjacent owners.

I do not believe that the General Assembly can constitutionally do this. I understand it to be a principle of law that when a street, alley or highway is dedicated to the public use, the legal title to the

land remains in the donor, and that the public acquires a simple easement or right of way ; such is also the case when the right of passage is acquired under the laws of the State.

I also understand it to be a well settled principle that when a conveyance is made by an original proprietor to a property abutting upon a highway, the *fee simple* passes to the centre of the highway, subject to the right of the public.

An alley is as much a highway as a street. Its use may be limited to few persons and purposes, but the right to use it exists in every one.

There can be no doubt of the power of the General Assembly to vacate a highway, but in view of these principles, I cannot bring myself to believe that when the vacation takes place the Assembly has any power to prevent the estate from reverting to the original owners, their devisees or grantors. The moment the right of passage in the public ceases, that moment the adjacent proprietors resume the franchise before enjoyed by the public. When the public franchise ceases, the land becomes private property, and cannot be taken for public use without just compensation.

The second section of the bill declares that the alley shall not be re-opened or conveyed by said Mayor and Council, without the consent of the owners of the adjacent lots. Assuming the correctness of the position I have taken, I cannot recognize the power of the Mayor and Council to convey, under any circumstances, much less do I recognize the power of the General Assembly to prevent the legal owners from conveying to whomsoever they may see fit, so soon as the alley shall be vacated.

JAMES W. GRIMES.

The President

Laid before the Senate the following communication from the Secretary of State,

Which was

On motion of Mr. Loughridge,

With the accompanying documents, laid on the table.

OFFICE OF THE SECRETARY OF STATE. }
Iowa City, Jan. 8, 1857. }

To the President of the Senate :

SIR—

In accordance with a resolution of the Senate of the 7th inst., I herewith lay before the Senate, the accompanying document, being a copy of the report of the committee appointed by His Excellency, Governor Grimes, to re-locate the seat of government of the State of Iowa. Accompanying the said report are two conveyances by warranty deed, one for the ten acres and two one-hundredths, described in said report as the Capitol Square, the other for the five and sixty-one one-hundredths acres mentioned, both of which have been recorded in the Recorder's office in Polk county, also two title-bonds, copies of which are herewith furnished.

E. SELLS,
Secretary of State.

Message from the House of Representatives,
By Mr. Logan, Chief Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House of Representatives has passed the following joint resolution, in which the consent of the Senate is asked.

J. W. LOGAN,
Clerk.

REPORTS OF COMMITTEES.

Mr. Matthews,
From the Committee on Incorporations, to whom was referred
Senate File No. 115,

A bill for an act to amend the charter of the city of Wapello,
Reported the same back to the Senate, and recommended its passage.

On motion of Mr. Matthews,
The eleventh rule was suspended,

The bill read the third time,
Passed and the title agreed to.

Mr. Neal,
From the select committee, to whom was referred
Senate File No. 7,
A bill for an act regulating the interest on money,
Reported the same back to the Senate by substitute.

Mr. Loughridge
Offered the following amendment to the substitute,
"Provided, That in all suits upon any instrument or for any
debt, the defendant shall be a competent witness on the issue whether or not more than ten per cent interest is claimed in the suit."

Mr. Foster
Moved to refer the bill and amendment to the Judiciary committee.

Mr. Cleaver
Moved the previous question.

The question being,
Shall the previous question now be put,
The Senate sustained the motion.

The motion to refer to the Judiciary committee was lost.

The question being upon the amendment of Mr. Loughridge,

Mr. Coolbaugh
Called for the yeas and nays,
Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brown, Birge, Cook, Jordan, Loughridge, McGary, McPherson, Reed, Saunders, Thompson, Thurston, Wilkinson, Mr. President—15.

The nays were—

Senators Brigham, Carter, Castell, Cleaver, Coolbaugh, Dale, Foster, Grinnell, Hogan, Jenkins, Kirkwood, Matthews, McCoy, McCulloch, Neal, Ramsay, Rusch, Stewart, Test, Trimble, Warner—21.

Amendment lost.

The question being on the adoption of the substitute,

The yeas and nays were demanded,
And were as follows:

The yeas were—

Senators Brigham, Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Kirkwood, Matthews, Neal, Ramsay, Reed, Rusch, Saunders, Stewart, Test, Thompson, Thurston, Trimble, Warner, Wilkinson, Mr. President—27.

The nays were—

Senators Anderson, Atkins, Brown, Jordan, Loughridge, McCoy, McCrary, McCulloch, McPherson—9.

The substitute was adopted.

Mr. Trimble

Moved to amend by adding to the 1st section,

“From the date when interest accrued upon the contract.”

The question being upon Mr. Trimble's amendment,

The yeas and nays were demanded,

Which were as follows:

The yeas were,

Senators Brigham, Brown, Birge, Carter, Coolbaugh, Cook, Foster, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCulloch, McPherson, Neal, Ramsay, Reed, Rusch, Stewart, Test, Thompson, Trimble, Warner, Wilkinson—25.

The nays were,—

Senators Anderson, Atkins, Cattell, Cleaver, Dale, Grinnell, Hogan, McCrary, Saunders, Thurston, Mr. President—11.

Amendment was adopted.

Mr. McCrary

Offered the following amendment,

Which was adopted, to-wit:

“After the word ‘reserved’ in the first section, insert ‘or in anywise secured to be paid to the payee, whether such rate of interest be expressed, or included in the apparent principal of the instrument.’”

On motion of Mr. Jenkins,

The eleventh rule was suspended, and
The bill read a third time.

The question being upon the final passage of the bill,
The yeas and nays were demanded,
And were as follows :

The yeas were—

Senators Atkins, Brigham, Brown, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Matthews, Neal, Ramsay, Reed, Rusch, Saunders, Stewart, Test, Thompson, Trimble, Warner, Wilkinson, Mr. President—28.

The nays were—

Senators Andrews, Birge, Loughridge, McCoy, McCrary, McCulloch, McPherson, Thurston—8.

The bill was passed.

On motion of Mr. Neal,
The title of the bill was amended so as to read,
A bill for an act to amend an act entitled an act to regulate interest on money.

Mr. Jordan,
From the Committee on Public Buildings, to whom was referred
Senate File No. 81,
A bill for an act making further appropriations for the State Insane Asylum,
Reported the same back to the Senate, and recommended its passage.

Mr. Anderson
Offered the following amendment to the 1st section of the bill :
Provided, that no more than fifty thousand dollars of this appropriation shall be drawn in any one year.

On motion of Mr. Loughridge,
The bill and amendment was laid on the table,
And made the special order for Monday next.

Mr. Matthews,
From the committee on Incorporations, to whom was referred
House File No. 96,

A bill for an act to authorize school district No. 2, in LeClaire township, Scott county, to borrow money,

Reported the same back to the Senate,

With the following amendments, to-wit:

Insert in the ninth line of the first section, after the word "dollars," "provided a majority of the legal voters of said district, at an election called for the purpose, shall cast their votes in favor of said loan."

Also,

Add to the last section "and Lyons Mirror, without expense to the State."

The amendments were adopted,

And the bill

Ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Cook,

The Senate adjourned.

TWO O'CLOCK, P. M.

Mr. Matthews,

From the committee on Incorporations, to whom was referred Senate File No. 114,

A bill for an act to incorporate the town of Tipton, Cedar county,

Reported the same back to the Senate,

And recommended its passage.

On motion of Mr. Cattell,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Matthews,

From the same committee, to whom was referred

Senate File No. 112,

A bill for an act to incorporate Sioux City,

Reported the same back to the Senate,
And recommended its passage.

On motion of Mr. Test,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

Mr. Matthews,

From the same committee, to whom was referred
Senate File No. 109,

A bill for an act to limit the holding of real estate by incorporated
companies, &c,

Reported the same back to the Senate,
And recommended its indefinite postponement.

Mr. Test

Moved to amend the bill by striking out of the first section the
words—

“Now existing or which may hereafter be organized within this
State.”

Motion lost.

Mr. Test

Moved to amend by adding the words—

“Provided, That the provisions of this act shall not affect any
devise or conveyance or transfer of any real estate heretofore made
by or to any incorporation, company or society, or to any trustees,
for the benefit thereof.”

Motion lost.

Mr. Brigham

Moved to amend by adding the words—

“All lands now held by incorporated companies, shall be exempt
from the provisions of this act.”

Amendment adopted.

On motion of Mr. Trimble,
The bill was referred to the Committee on Railroad Companies.

Mr. Anderson,

From the Committed on Judiciary, to whom was referred
Senate File No. 54,

A bill for an act relating to pleadings in the district court, &c.,

Reported the same back to the Senate, and recommended that the bill be indefinitely postponed,
Which report was concurred in.

Mr. Brown,

From the special committee to whom was referred

House File No. 25,

A bill for an act relating to the boundaries of the 10th judicial district,

Reported the same back to the Senate,

And recommended that the bill be indefinitely postponed,
Which report was concurred in by the Senate.

Mr. Anderson,

From Judiciary Committee, to whom was referred

House File No. 41,

Reported the same back to the Senate,

And moved that the bill be referred to the special committee on judicial districts,

Which motion prevailed.

Mr. Cook,

From Committee on Enrolled Bills,

Made the following report :

The committee on Enrolled Bills, report,

That they have presented to His Excellency, the Governor, for his approval, the following bills, viz :

Senate File No. 35,

An act to incorporate the town of Winterset.

The committee on Enrolled Bills, report,

That they have examined the following bills, and find the same correctly enrolled, to-wit :

Senate File No. 76,

An act to amend the charter of the town of Fairfield.

Also,

Senate File No. 24,

A bill for an act to amend chapter 49 of the Session Laws of 1854-5.

L. COOK,
Chairman.

Mr. McCrary,

From the committee on Charitable Institutions, to whom was referred

Senate File No. 95,

A bill for an act to amend chapter 186 of the Code of Iowa,

Reported the same back,

With an amendment, to-wit:

To insert in section first, after the words "per day" "not exceeding sixty cents."

Which amendment was adopted, and

On motion of Mr. Coolbaugh,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Test

Had leave to offer the following resolution:

Resolved, That the committee on Ways and Means, be instructed to report a bill for an act to abolish the offices of State Printer and State Binder, and to provide for the State printing and binding to be done by contract with the lowest responsible bidder for the same."

On motion of Mr. Kirkwood,

The resolution was laid upon the table.

Mr. Kirkwood,

From Committee on Federal Relations,

Reported back to the Senate

The following joint resolutions

For additional mail facilities, and

Recommended their passage, to wit:

House Files Nos. 102, 93, 60 and 85,

And

Senate File No. 85.

The eleventh rule was suspended,
And the resolutions read a third time and
Passed and the titles agreed to.

Mr. Anderson
Presented an account from Mr. Clark Dunham,
Which was,
On his motion,
Referred to Committee on Claims.

Mr. Saunders
Had leave to introduce
Senate File No. 119,
A bill for an act to locate a state road,
Read the first and second times, and,
Referred to Committee on Roads.

Mr. McCrary,
From the Committee on Charitable Institutions, to whom was referred
Senate File No. 90,
A bill for an act to provide for the deaf and dumb asylum,
Reported the same back to the Senate
With an amendment
Providing that
The principal of the institution should be, ex-officio, a member of
the board of trustees,
Which amendment was concurred in.

On motion of Mr. Brigham,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

Mr. Rusch,
From the special committee to whom was referred
Senate File No. 101,
A joint resolution respecting the naturalization laws,
Reported the same back to the Senate,
With the following amendments, to-wit :
1. Strike out of the first clause the letters and figures "A. D.,
1856," so that it will read "be it enacted by the General Assembly
of the State of Iowa."

2. Strike out all of the second section, and insert the following :

Resolved, That our Senators in Congress be instructed, and our Representatives be requested, to urge by their influence and votes, the passage of a law prohibiting the introduction into this country, by foreign governments or foreign municipal authorities, of known convicts and paupers.

3. Insert as a third resolution the following :

Resolved, That our Senators in Congress be instructed, and our Representatives be requested, to urge, by their votes and influence, the passage of a law which will prevent or guard against the issuing of naturalization papers, except in strict accordance with the naturalization laws of the United States, and also to punish the making, distributing or issuing of fraudulent naturalization papers."

The question being upon the first amendment recommended by the committee,

The same was adopted.

The question being upon the second amendment of the committee, being the substitute for second section of the bill,

The same was adopted.

Mr Neal

Moved to strike out the word "strict" in the third amendment offered by the committee.

Motion lost.

Upon the question of concurring in the third amendment of the committee,

The same was adopted.

Mr. Wilkinson

Moved to refer the resolution to the committee on the Judiciary.

Upon which motion,

Mr. Thurston

Called for the yeas and nays,

Which were as follows :

The yeas were—

Senators Atkins, Brown, Loughridge, McOrary, Wilkinson—5.

The nays were—

Senators Anderson, Brigham, Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Matthews, McCoy, McPherson, Neal, Ramsey, Rusch, Saunders, Stewart, Test, Thompson, Thurston, Trimble, Warner, Mr. President—29.

Motion to refer lost.

Mr. Neal

Moved to strike out the second and third resolutions.

And called for the yeas and nays,

Which were as follows :

The yeas were—

Senators, Brigham, Birge, Coolbaugh, Dale, Jenkins, McCulloch, Neal, Ramsay, Stewart, Thurston, Warner—11

The nays were—

Senators Atkins, Brown, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Hogan, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Rusch, Saunders, Test, Thompson, Trimble, Wilkinson, Mr. President—24.

Motion to strike out lost.

Mr. Loughridge

Moved to strike out section 1 of the resolutions.

The yeas and nays were demanded, and

Were as follows :

The yeas were—

Senators, Brown, Loughridge, Wilkinson, Jenkins—4.

The nays were—

Senators Anderson, Atkins, Brigham, Birge, Carter, Cattell, Cleaver, Coolbaugh, Coon, Dale, Foster, Grinnell, Hogan, Jordan, Kirkwood, Matthews, McCoy, McCrary, McCulloch, McPherson, Neal, Ramsay, Rusch, Saunders, Stewart, Test, Thompson, Thurston, Trimble, Warner, Mr. President—31.

Motion to strike out lost.

The question being upon ordering the resolutions to a third reading,

Mr. Thurston

Called for a division of the question.

The Chair

Decided the question could not be divided,

From which decision

Mr. Thurston appealed to the Senate.

The question being,

Shall the decision of the Chair be the decision of the Senate,

The same was decided in the affirmative.

Mr. Wilkinson

Moved that the Senate adjourn.

Motion lost.

Mr. Trimble

Moved to reconsider the vote by which the Senate adopted resolution No. 2,

On which motion

Mr. Thurston

Called for the yeas and nays,

Which were as follows :

The yeas were—

Senators Brigham, Birge, Coolbaugh, Dale, McCulloch, Neal, Ramsay, Stewart, Test, Thurston, Trimble, Warner—12.

The nays were—

Senators Anderson, Atkins, Brown, Cattell, Cleaver, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Rusch, Saunders, Thompson, Wilkinson, Mr. President—23.

Motion to re-consider was lost.

Mr. Grinnell

Moved the previous question,

Upon which motion,

Mr. Thurston

Called for the yeas and nays,

Which were as follows :

The yeas were—

Senators Anderson, Atkins, Brigham, Brown, Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Rusch, Saunders, Stewart, Thompson, Mr. President—27.

The nays were—

Senators McCulloch, Neal, Ramsay, Test, Thurston, Trimble, Warner, Wilkinson—8.

Call for previous question sustained.

Mr. Anderson

Moved that the eleventh rule be suspended, and the resolution read a third time.

Motion lost.

The question being upon ordering the resolutions to a third reading,

The same prevailed.

Mr. Trimble

Had leave to introduce

Senate File No. 120,

Joint resolution and memorial asking Congress to make the Southern Iowa R. R., a branch of the Pacific R. R.,

Which was

Read the first and second times, and,

On his motion,

Referred to a special committee consisting of Senators from the southern tier counties.

Mr. Thurston

Moved to take from the table

Senate File No. 15,

A bill for an act to repeal the act for the suppression of intemperance.

Mr. Coolbaugh

Called for the yeas and nays,

Which were as follows :

The yeas were—

Senators Brigham, Coolbaugh, Dale, McCulloch, Neal, Ramsay, Stewart, Test, Thurston, Trimble, Warner, Wilkinson—12.

The nays were—

Senators Anderson, Atkins, Brown, Birge, Carter, Cattell, Clearer, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Busch, Saunders, Thompson, Mr. President—23.

Motion lost.

Mr. Neal,

From select committee, reported by bill,

Senate File No. 121,

A bill for act to legalize the re-survey of the town of Bedford,
Which was read a first and second time, and

On his motion,

The 11th rule was suspended, and

The bill read a third time,

And passed, and the title agreed to.

On motion of Mr. Thompson,

The Senate adjourned.

SENATE CHAMBER, }
January 10th, 1857.—9 A. M. }

Senate met pursuant to adjournment.

In the absence of the President,

The Secretary called the Senate to order.

The following communication from the President was laid before the Senate :

IOWA CITY, {
Jan. 9th, 1857. }

Gentlemen of the Senate :

In consequence of domestic affliction, learned by me since your adjournment, I am compelled to ask leave of absence for four days.

Your Obt. Servt.,

W. W. HAMILTON.

On motion of Mr. Grinnell,
Leave of absence was granted as requested.

On motion of Mr. Grinnell,
Mr. McCrary was elected President of the Senate *pro tem*.

Senators Anderson and Saunders
Were appointed a committee to conduct the President *pro tem*
to the chair.

The President *pro tem* assumed his duties.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS AND REMONSTRANCES.

Mr. McCleaver

Presented a petition from J. M. Robertson, Wesley W. Garner,
and William M. Toole, asking for the passage of a law authorizing
the petitioners to sell certain real estate.

The petition was,

On motion of Mr. Cleaver,
Referred to the committee on Incorporations.

Mr. Warner

Had leave to introduce

Senate File No. 112,

A joint resolution for additional mail facilities,

Which was
 Read a first and second times, and
 On his motion,
 The eleventh rule was suspended,
 The bill read a third time,
 Passed and the title agreed to.

RESOLUTIONS AND NOTICES OF BILLS.

Mr. Neal
 Presented the following resolution,
 Which was adopted.

Resolved, (the House of Representatives concurring) That the Senate and House of Representatives of the State of Iowa will adjourn *sine die* on the 19th day of January, 1857.

Mr. Loughridge
 Presented the following resolution,
 Which was adopted :
Resolved, That the Commissioner of the Des Moines River Improvement be required to make a report of the condition of the said improvement to the Senate at the earliest possible day, and also of the condition of the affairs of his office.

By Mr. Loughridge,
 Notice of a bill for an act providing for the distribution of school monies.

REPORTS OF COMMITTEES.

Mr. Foster,
 From the Committee on Agriculture, introduced
 Senate File No. 123,
 A bill for an act for the encouragement of agriculture.
 Which was
 Read a first and second times, and,
 On motion of Mr. Anderson,
 Laid upon the table, and made the special order for Friday next,
 7 o'clock P. M.

Mr. Cattell,
 From the Committee on Claims, to whom was referred
 Senate File No. 84,

A bill for an act legalizing the sale of school lands in Decatur county, Iowa,

Reported the same back to the Senate, and recommended its passage.

On motion of Mr. Mason

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Cleaver,

From the Committee on Internal Improvements, to whom was referred

Senate File No. 45,

A bill for an act relating to the Navigation and Hydraulic Company of the Mississippi Rapids,

Reported the same back to the Senate, and recommend its passage.

Mr. Grinnell,

Moved to amend the last section by adding the words, to wit:

"Without expense to the State,"

Which amendment was adopted, and

On motion of Mr. McCulloch,

The bill was laid upon the table.

Mr. Foster

Presented the following resolution, which was adopted, to wit:

Resolved, That the President and Secretary of the State Agricultural Society be required to furnish the Senate a report for the use of the General Assembly, of the manner in which the appropriations of 1854-5, as provided for by chapter 166, of the acts of 1854-5, has been expended.

On motion of Mr. Kirkwood,

Senate File No. 37,

A bill for an act to provide for the appointment of the Warden of the Penitentiary, and to amend the several acts in relation to the discipline thereof,

Was taken from the table.

On motion of Mr. Kirkwood,

The bill was referred to a select committee of three.

The President appointed
Senators Kirkwood, McCulloch, and Thompson, said committee.

Mr. Grinnell

From the special committee, to whom was referred a certain petition,

Reported a bill

Senate File No. 124,

A bill for an act to locate a state road therein named.

Which was

Read the first and second times, and

On his motion,

The eleventh rule was suspended,

The bill read the third time,

Passed and the title agreed to.

Mr. Cleaver

Had leave to introduce

Senate File No. 125,

A bill for an act to re-establish a part of the town of Toolesboro, in Louisa county.

Which was

Read the first and second times, and

On his motion,

The eleventh rule was suspended,

The bill read the third time,

Passed and the title agreed to.

Mr. Matthews,

Had leave to introduce

Senate File No. 126,

A bill for an act to amend the charter of Lyons City.

Which was

Read the first and second times, and

On his motion,

The eleventh rule was suspended, and

The bill read a third time,

Passed and the title agreed to.

Mr. Cattell

Had leave to introduce

Senate File No. 127,

A bill for an act to amend chapter 48 of the acts of 1852-3, relating to the supervisors of Roads.

Which was

Read the first and second times, and

On his motion,

Referred to the committee on Roads.

Message from the House of Representatives,
By their Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has re-considered its action in rejecting

Senate File No. 28,

A bill for an act in relation to divorce and alimony.

Also,

Senate File No. 51,

In relation to challenge to the panel of the grand jury,

And request the return of the same to that body.

J. W. LOGAN, *

Clerk.

The President

Laid before the Senate the following communication from the Governor:

EXECUTIVE OFFICE, }
Iowa City, Jan. 10th, 1857. }

To the President of the Senate:

SIR:—

I herewith, return, without my approval, a bill entitled "an act to incorporate the city of Winterset, Madison county, Iowa."

The clause to which I desire to call your attention as being objectionable is the conclusion of section thirty-five, (35) which declares that "all property owned, or which may be hereafter acquired, whether real or personal, by said city in its corporate capacity, shall be exempted from taxation for State, county or other purposes."

I find no objection to the ability of the General Assembly to make the exemption from taxation; nor would I express an opinion

of the policy of such exemption if the rule is made general, and applied to all the cities in the State. But I adopt this method of calling your attention to the want of uniformity in the past legislation of the State in this regard, and consequent inequality between the different cities.

So far as I have been able to examine the different city charters, I discover that the corporate property of the cities of Dubuque and Knoxville alone are exempt from taxation. The property of every other city and town and village pays its proportionate share of state taxes, and whilst they do this, I can see no substantial reason for adding another to the list of exempted cities.

I desire to say that this is not a case in which I would inflexibly insist upon exercising the prerogative vested in the Governor. I simply desire to call the attention of the General Assembly to the subject, and suggest the propriety of a general law in relation to the taxation of property belonging to municipal corporations.

Your Obt. Servt.,

JAMES W. GRIMES.

The question being,

Shall the bill pass, notwithstanding the veto of the Governor,

The yeas were—

Senators Atkins, and Dale—2.

The nays were—

Senators Anderson, Brigham, Brown, Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCulloch, McPherson, Ramsay, Rusch, Saunders, Stewart, Test, Thompson, Trimble, Warner, Wilkinson, Mr. President—32.

The question was decided in the negative.

Mr. Atkins,

From the Committee on Roads, to whom was referred
House File No. 33,

A bill for an act authorizing the subdivision of lands in this State

Reported the same back to the Senate, and recommended its passage.

On motion of Mr. Cleaver,

An additional section was added to the bill, to wit:

"This act shall take effect from and after its publication according to law.

On motion of Mr. Cleaver,

The 11th, rule was suspended,

The bill read the third time,

Passed, and title agreed to.

On motion of Mr. Saunders,

The House resolution relating to a joint convention for the purpose of electing a judge of the Supreme Court, State Printer, State Binder, and Warden of the Penitentiary,

Was taken up.

Mr. Test

Moved to strike out the words, a

"State Printer and State Binder."

Mr. Loughridge

Moved to strike out

"Upon the table,"

On which motion

Mr. Loughridge

Called for the yeas and nays,

Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brown, Carter, Cleaver, Cook, Foster, Grinnell, Hogan, Jenkins, Kirkwood, Loughridge, Matthews, McCoy, McPherson, Reed, Saunders, Thompson, Wilkinson, Mr. President—19.

The nays were—

Senators Brigham Birge, Cattell, Coolbaugh, Dale, Jordan, McCulloch, Neal, Ramsay, Rusch, Stewart, Test, Thurston, Trimble, Warner—15.

Motion prevailed.

Mr. McCoy,

From the special committee, to whom was referred a certain petition,

Reported by

Senate File No. 128,

A bill for an act locating a state road therein named,

Which was

Read the first and second times, and

On his motion, was

Referred to the committee on Roads.

Mr. Brown,

From the special committee, to whom was referred

A certain petition from the citizens of Webster county,

Reported the same back to the Senate, with

Senate File No. 129,

A bill for an act to locate a state road from Waterloo to Fort Dodge,

Which was

Read a first and second times, and

On his motion,

Referred to the committee on Roads.

Mr. Thompson,

From the committee on Public Lands, to whom was referred

A memorial from William Rees,

Reported the same back to the Senate, and recommended its indefinite postponement.

Which report was concurred in.

Mr. Ramsay

Had leave to introduce

Senate File No. 139,

A bill for an act authorizing Paul C. Jeffries to transcribe certain records of Wapello county.

Which was

Read the first and second times.

Mr. Anderson

Moved to amend the bill by striking out "Paul C. Jeffries," and inserting "the county judge is hereby authorized to employ some suitable person."

Amendment lost.

On motion of Mr. Ramsay,
The eleventh rule was suspended,
The bill read the third time,
Passed and the title thereof agreed to.

Mr. Trimble

Had leave to introduce

Senate File No. 131,

A bill for an act to provide for the more speedy publication of the Supreme Court Reports.

Which was

Read the first and second times, and

On motion of Mr. Thompson,

Referred to the committee on the Judiciary.

Mr. Trimble

Had leave to introduce

Senate File No. 132,

A bill for an act authorizing the Governor of the State to subscribe for the Supreme Court Reports.

Which was

Read the first and second times, and

On motion of Mr. Thompson,

Referred to the committee on the Judiciary.

Mr. McPherson

Had leave to introduce

Senate File No. 133,

A bill for an act to fix the salary of the Attorney General.

Which was

Read the first and second times, and

On his motion,

Referred to the committee on Ways and Means.

Mr. Grinnell

Had leave to introduce

Senate File No. 134,

A bill for an act to locate a state road from Toledo to Montezuma,

Which was

Read the first and second times, and,

On his motion, was
Referred to the committee on Roads.

Mr. Thompson
Had leave to introduce
Senate File No. 135,
A bill for an act to amend an act granting to Railroad companies
the right of way,
Which was
Read the first and second times, and,
On his motion, was
Referred to the committee on Railroads.

Mr. Kirkwood
Had leave to introduce
Senate File No. 136,
A bill for an act relating to the Penitentiary and the government
and discipline thereof,
Which was
Read the first and second times, and,
On his motion, was
Referred to the committee on Penitentiary affairs.

Mr. Foster
Had leave to introduce
Senate File No. 137,
A bill for an act authorizing the county Judge of Washington
county to appoint a suitable person to index certain records of said
county,
Which was
Read the first and second times, and,
On his motion,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

Mr. Foster
Had leave to introduce
Senate File No. 138,
A joint resolution relating to pre-emption laws,
Which was
Read the first and second times, and,

On his motion, was
Referred to the committee on Public Lands.

Mr. Atkins
Had leave to introduce
Senate File No. 139,
A bill for an act to restrain swine and sheep from running at large
in the county of Winnesheik,
Which was read a first and second time, and
On his motion, was
Referred to the committee on Agriculture.

Mr. Loughridge
Had leave to introduce
Senate File No. 140,
A bill for an act for the suppression of intemperance,
Which was
Read the first and second times, and,
On his motion, was
Laid upon the table,
And made the special order for to-morrow at two o'clock p. m.

On motion of Mr. Jenkins,
The Senate adjourned.

TWO O'CLOCK, P. M.

The special order being,
The consideration of
Senate File No. 38,
A bill for an act to vacate an alley in the city of Keosauqua,
which had been returned by the Governor without his approval,
The question being,
Shall the bill be passed, notwithstanding the veto of the Gov-
ernor.

The yeas were,
Senators—0.

The nays were,—

Senators Anderson, Atkins, Brown, Birge, Carter, Cattell, Coolbaugh, Dale, Hogan, Jordan, Kirkwood, Loughridge, McCoy, McCulloch, McPherson, Neal, Reed, Rusch, Saunders, Stewart, Test, Thompson, Thurston, Wilkinson, Mr. President—25.

Question decided in the negative.

On motion of Mr. Thompson,
The bill was referred to the delegation from Van Buren county.

Mr. McPherson
Had leave to introduce
Senate file No. 141,
A bill for an act to incorporate the city of Wintersett,

Which was
Read the first and second times, and
On his motion,
The 11th rule was suspended,
The bill read a third time,
And passed, and the title agreed to.

On motion of Mr. Jenkins,
The substitute for
House File No. 91,
A bill for on act to establish the 14th judicial district
Was taken up.

Mr. Neal
Moved to refer the bill to committee on new business for judicial districts,
Which motion was lost.

On motion of Mr. Jenkins,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

BILLS ON THIRD READING.

Senate File No. 37,

A bill for an act to provide for the appointment of Warden of the Penitentiary, and to amend the several acts in relation to the discipline thereof.

Was returned from the House with one amendment, striking out the second section.

The question being,

Will the Senate concur?

The Senate refused to concur.

Senate File No. 31,

A bill for an act relating to the taking of depositions.

The bill read a third time,

Passed and the title agreed to.

Senate File No. 73,

A bill for an act regulating the suing out of writs of error in district courts.

Read the third time,

Passed and the titles agreed to.

Senate File No. 40,

A bill for an act to protect the wool-growing interests of the State.

Was read the third time.

The question being upon the final passage of the bill,

Mr. Cleaver

Called for the yeas and nays,

Which were as follows :

The yeas were—

Senators Brown, Birge, Carter, Cattell, Cook, Dale, Foster, Grinnell, Jenkins, Loughridge, McCoy, McPherson, Reed, Rusch, Trimble, Warner, Wilkinson—17.

The nays were—

Senators Anderson, Atkins, Cleaver, Coolbaugh, Hogan, Jordan, Kirkwood, McCulloch, Neal, Ramsay, Saunders, Stewart, Test, Thompson, Thurston, Mr. President—16.

The bill was
Passed and the title agreed to.

House File No. 50,
An act to incorporate the town of Glenwood, in Mills county,
Was read the third time,
Passed, and title agreed to.

House File No. 111,
A joint resolution for additional mail facilities,
Was read the third time,
Passed, and title agreed to.

House File No. 101,
A joint resolution on the naturalization laws,
Was read the third time.

Mr. Wilkinson

Moved that the joint resolution be referred to the committee on
new counties, and

Demanded the yeas and nays,
Which were as follows:

The yeas were—

Senators Anderson, Birge Dale, Jenkins, Loughridge, McCulloch,
Thurston Wilkinson, Mr. President—9.

The nays were—

Senators Atkins, Brigham, Brown, Carter Cattell, Cleaver, Cool-
baugh, Cook, Foster, Grinnell, Hogan, Kirkwood, McCoy, Reed,
Rusch, Saunders, Stewart, Test, Thompson, Trimble, Warner,
—23.

Motion lost.

On motion of Mr. McPherson,
Leave of absence was granted Mr. Matthews till Tuesday.

Mr. Test

Moved to lay the bill on the table,
Which motion was lost.

On motion of Mr. Neal,
A call of the Senate was ordered.

Senators Jordan and Brigham were found to be absent.

On motion of Mr. Jenkins,

Further proceedings under the call was dispensed with.

The question being upon the final passage of the joint resolution,
Mr. Thompson

Called for the yeas and nays,

Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brown, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Kirkwood, Loughridge, McCoy, McCulloch, McPherson, Neal, Ramsey, Reed, Rusch, Saunders, Stewart, Test, Thompson, Thurston, Trimble, Warner, Mr. President—30.

The nays were—

Senators Birge, Wilkinson—2.

Resolution passed.

Mr. Jenkins

Moved to amend the title so as to read

“A joint resolution on the subject of the naturalization laws, and to prevent the introduction of paupers and criminals into the United States,”

Upon which motion,

The yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brown, Carter, Cattell, Grinnell, Jenkins, Kirkwood, Loughridge, McCoy, McPherson, Reed, Thompson, Mr. President—14.

The nays were—

Senators Birge, Cleaver, Coolbaugh, Cook, Dale, Foster, Hogan, McCulloch, Neal, Ramsey, Rusch, Saunders, Stewart, Test, Thurston, Trimble, Warner, Wilkinson—18.

Motion lost.

The title was agreed to.

House File No. 96,

A bill for an act to authorize school district No. 2, in LeClaire township, Scott county, to borrow money,

Was read a third time,

Passed and the title agreed to.

Senate File No. 69,

A bill for an act to amend the charter of the city of Council Bluffs,

Was read a third time,

Passed and the title agreed to.

House File No. 75,

A bill for an act to incorporate the town of Centreville,

Was read a third time,

Passed and the title agreed to.

HOUSE BILLS ON THEIR FIRST READING.

House File No. 120,

A bill for an act to amend chapter 161 of the laws of the Fifth General Assembly.

Which was

Read the first and second times, and,

On motion of Mr. Loughridge,

Referred to the Judiciary committee.

House File No. 135,

A bill for an act to repeal chapter 35 of the extra session laws of 1856.

Which was

Read the first and second times, and

On motion of Mr. Wilkinson,

The eleventh rule was suspended,

The bill read the third time,

Passed and the title agreed to.

House File No. 190,

Joint resolution in relation to a marine hospital and port of entry at Council Bluffs.

Which was

Read the first and second times, and

On motion of Mr. Test,
The eleventh rule was suspended,
And the resolution read a third time and
Passed and the title agreed to.

House File No. 12,
A bill for an act to increase the number of voting places.
Which was
Read the first and second times, and
On motion of Mr. Neal,
Referred to the committee on Elections.

House File No. 59,
A bill for an act for the relief of W. W. Williams,
Which was
Read the first and second times, and
On motion of Mr. Loughridge,
Referred to the committee on Claims.

House File No. 132,
A bill for an act to authorize the county judge of Keokuk county
to have the road records transcribed.
Which was
Read the first and second times, and
On motion of Mr. Warner,
The bill was amended by adding to the last section the words—
“without expense to the State.”

On motion of Mr. Hogan,
The eleventh rule was suspended,
The bill read the third time,
Passed and the title agreed to.

House File No. 145,
A joint resolution for additional mail facilities from Winterset to
Osceola,
Was read the first and second times,
And,
On motion of Mr. Warner,
Was amended by adding after Osceola, the words,
“To Leon, in Decatur county,”
Which amendment was adopted.

On motion of Mr. Warner,
The 11th rule was suspended, and
The bill read the third time,
Passed, and title thereof agreed to.

House File No. 136,
An act amendatory to chapter 136 of the Code of Iowa,
Was read the first and second times, and
On motion of Mr. Warner,
Was referred to the Judiciary committee.

House File No. 149,
A joint resolution for additional mail facilities,
Was read the first and second times, and,
On motion of Mr. Grinnell,
The eleventh rule was suspended,
The bill read the third time,
Passed, and title agreed to.

House File No. 177,
A bill for an act for the re-location of a burial ground,
Was read the first and second times, and
On motion of Mr. Wilkinson,
The eleventh rule was suspended,
The bill read a third time,
And,
On motion of Mr. Stewart,
Was referred to the Judiciary committee.

Message from the House of Representatives,
By their Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following bills in which the concurrence of the Senate is asked :

House File No. 158,
A bill for an act to authorize the city of Dubuque to subscribe to the capital stock of the Dubuque, St. Peters and St. Paul railroad company.

House File No. 174,

A bill for an act to authorize McGregors, St. Peters and Missouri railroad company to accept, &c., grant of land.

House File No. 178,

A bill for an act to incorporate the town of Newton.

House File No. 206,

A bill for an act fixing the time of holding courts in the sixth judicial district.

House File No. 210,

A bill for an act fixing the time of holding courts in the ninth judicial district.

House File No. 213,

A bill for an act fixing the time of holding courts in the first judicial district.

I am further directed to inform the Senate that the House has passed, without amendment,

Senate File No. 101,

A bill for an act to extend corporate limits of the city of Oka-laasa.

J. W. LOGAN,
Clerk.

House File No. 155,

A bill for an act to authorize the collection of taxes in the county of Jasper, for the year 1854,

Which was

Read the first and second times, and

On motion of Mr. Grinnell,

The eleventh rule was suspended,

The bill read the third time,

Passed, and title agreed to.

House File No. 148,

A bill for an act to authorize the election of an additional justice of the peace,

Which was

Read a first and second times, and,

On motion of Mr. Cattell,

The bill was amended by adding to the last section the words,
 "Without expense to the State."

The eleventh rule was suspended,

The bill read the third time,

Passed and the title agreed to.

Mr. Cleaver

Had leave to introduce

Senate File No. 142,

A bill for an act to authorize W. W. Garner, and others, to sell certain real estate.

Which was

Read the first and second times, and

Referred to the committee on Incorporations.

Mr. Saunders,

From the committee on Ways and Means, to whom was referred House File No. 48,

A bill for an act to provide for improvements in the Iowa Penitentiary.

Reported the same back to the Senate, and recommended its passage.

On motion of Mr. Thurston,

The eleventh rule was suspended, and

The bill read a third time,

Passed and the title agreed to.

Mr. Thompson

Had leave to present

A petition from Hosea W. Gray, William Hazlett, and George Green, asking for a law vacating the town plat of the town of Ivanhoe, in Linn county.

The petition was,

On motion of Mr. Thompson,

Referred to the delegation from Linn county.

On motion of Mr. Anderson,

The Senate adjourned.

SENATE CHAMBER, }
January 12th, 1857.—9 A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Senate File No. 81,

A bill for an act making further appropriations for the State Insane Asylum,

Being the special order,

Mr. Anderson

Withdrew his amendment.

Mr. McPherson

Moved to amend by striking out in the first section the words "one hundred thousand dollars," and insert "seventy-five thousand dollars, not more than one half of which shall be paid in any one year."

Motion lost.

Mr. Anderson

Offered the following amendment to the first section of the bill, to-wit :

"Provided that the amount herein appropriated shall not be drawn from the state treasury faster than shall be necessary to carry out said work."

Mr. Loughridge

Offered the following amendment to the amendment :

"Provided that not more than fifty thousand dollars shall be paid in any one year,

Which was lost.

Mr. Anderson's amendment was adopted.

On motion of Mr. Thompson,
The eleventh rule was suspended,
And the bill read a third time.

The question being on the final passage of the bill,
The yeas and nays were demanded,
And were as follows :

The yeas were—

Senators Anderson, Atkins, Brigham, Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jordan, Kirkwood, McCoy, McCulloch, Ramsey, Reed, Rusch, Saunders, Stewart, Test, Thompson, Thurston, Trimble, Wilkinson, Mr. President—27.

The nays were—

Senators Brown, Jenkins, Loughridge, McPherson, Neal, Warner—6.

The bill was passed and the title agreed to.

PETITIONS.

Mr. Anderson

Presented a petition from J. B. Teas and 54 others, asking for a law incorporating the town of Albia.

The petition was,

On motion of Mr. Anderson,

Laid on the table.

Mr. Saunders

Presented a communication from William Crum, in relation to the state printing.

Mr. Neal

Moved to refer the communication to the committee on Ways and Means, with instructions to report, as soon as practicable, a bill for letting out the public printing to the lowest bidder.

The question being on Mr. Neal's motion,

The yeas and nays were demanded,
And taken as follows :

The yeas were—

Senators Brigham, Birge, Coolbaugh, Dale, Jenkins, McCulloch, McCloy, Neal, Ramsay, Stewart, Test, Trimble, Warner, Wilkinson—14.

The nays were—

Senators Anderson, Atkins, Brown, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Hogan, Jordan, Kirkwood, Loughridge, McPherson, Reed, Rusch, Saunders, Thompson, Mr. President—19.
Motion lost.

Mr. Test

Moved to print 1000 copies for the use of the Senate.

On motion of Mr. Brigham,
The Senate adjourned.

TWO O'CLOCK, P. M.

Mr. Test

Introduced his motion to print the communication of Mr. Crum,
and

Moved that the same be spread upon the journals of the Senate.
ate.

Motion lost.

On motion of Mr. Thompson,
The communication was laid on the table.

Mr. Reed

Moved that the Senate do re-consider the vote by which was
passed a resolution to adjourn on the 19th inst,

On which motion

Mr. Test called for the yeas and nays,
Which were as follows:

The nays were—

Senators Anderson, Atkins, Brigham Brown, Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, McCoy, McCulloch, Reed, Rusch, Saunders, Stewart, Thompson, Mr. President—25.

The nays were—

Senators McPherson, Neal, Ramsay, Trimble, Warner, Wilkinson—7.

Motion to re-consider prevailed.

Mr. Ramsay

Moved to amend the resolution by striking out 19th and inserting 26th inst.

Motion lost.

Mr. Coolbaugh

Moved to lay the resolution on the table.

The yeas and nays being demanded,
Which were as follows :

The yeas were—

Senators Anderson, Atkins, Brigham, Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, McCulloch, Reed, Rusch, Saunders, Stewart, Thompson, Mr. President--21.

The nays were—

Senators Brown, Dale, Loughridge, McCoy, McPherson, Neal, Ramsey, Test, Thurston, Trimble, Warner, Wilkinson—11.

Motion prevailed.

On motion of Mr. Coolbaugh,

A committee of two was appointed to wait upon the House of Representatives and inform them that the Senate was prepared to meet that body in joint convention, for the election of certain officers, in pursuance of resolution.

The Chair

Appointed Senators Coolbaugh and Cleaver said committee.

On motion of Mr. Anderson,

It was

Resolved, That the Senate appoint a committee of three upon the part of the Senate, to act with a similar committee on the part of the House of Representatives, to re-apportion the State into Senatorial, Representative, and Congressional districts.

Mr. Thompson
 Had leave to introduce
 Senate File No. 143,

A bill for an act to vacate the town of Ivanhoe, in Linn county,
 Which was.

Read the first and second times, and,

On his motion,
 The eleventh rule was suspended,
 The bill read a third time,
 Passed and the title agreed to.

Mr. Coolbaugh,

From the committee appointed to wait upon the House of Representatives, reported that the committee had discharged that duty.

Message from the House of Representatives,

By Messrs. Mills and Barker,

Who announced that the House of Representatives was ready to receive the Senate in Joint Convention, pursuant to resolution.

The Senate,

Preceded by their President and Sergeant-at-arms, and accompanied by their officers, proceeded to the Hall of the House of Representatives.

JOINT CONVENTION

OF THE SENATE AND HOUSE OF REPRESENTATIVES.

The President, *pro tem*, of the Senate,
 Acting as President of the Joint Convention, and
 The Clerk of the House,
 Acting as Secretary of the Convention.

The roll of the Convention was called, and the following members found to be absent, and were, upon motion, excused:

Messrs. Hamilton, Dead, Thurston, Kirkpatrick, Green, Pease, Wilson, Franklin, Matthews, Mordan, Burris.

The President

Announced the business of the Convention to be "the election of certain officers."

The President

Appointed Senator Coolbaugh teller on the part of the Senate.

The Speaker of the House

Appointed Mr. Holmes teller on the part of the House of Representatives.

The first business in order being the election of a Judge of the Supreme Court, to fill the unexpired term of Norman W. Isbell, resigned:

Mr. Neal nominated

Henry H. Trimble, of Davis county, for said office.

Mr. Cook nominated

Lacon D. Stockton.

No other nominations being made, the Convention proceeded to vote,

Which resulted as follows:

Those voting for Lacon D. Stockton were

Messrs. Anderson, Atkins, Arnold, Brown, Bailey, Bryson, Barner, Bigelow, Carter, Cattell, Cleaver, Cook, Clausen, Cloud, Copeland, Davis, Dorland, Edmundson, Foster, Fry, Grinnell, Gillett, Hogan, Hershberger, Holmes, Inskeep, Jenkins, Jordan of Folk, Jones, Kirkwood, Kurtz, Loughridge, Lewis, Lothian, McCoy, McPherson, McFarland, Mills, Moer of Mills, Noble, Price, Perry, Reed, Rusch, Rand, Reeder, Richardson, Roberts, Rodman, Rogers, Saunders, Sawyer, Stanton Thompson, Thomas, Toll, Wilkinson, Williams, Wilson of Mahaska, Wing, Wooden, Wright of Cedar, Mr. President—63.

Those voting for Henry H. Trimble, were

Messrs. Brigham, Birge, Barker, Bortorf, Bowen, Coolbaugh, Clark, Cort, Dale, Finney, Galbraith, Griswold, Gossage, Hardy of Van Buren, Hardie of Dubuque, Jordan of Marion, Kelsay, Larimer, McCulloch, McDow, Miller, Mendenhall, Moore of Dubuque,

Neal, Ramsay, Stewart, Scoville, Sullivan, Test, Van Valkenburgh, Warner Wyatt—32.

Mr. Trimble voted for W. T. Barker.

Mr. Stockton,

Having received a majority of all the votes, was declared duly elected Judge of the Supreme Court for the unexpired term of said office, vacated by the resignation of Norman W. Isbell.

Upon motion of Mr. Sullivan,

The convention proceeded to the election of a State Printer.

Mr. Hardie of Dubuque,

Nominated H. D. La Cossit.

Mr. Wooden

Nominated John Teesdale.

The convention proceeded to vote for a State Printer which resulted as follows :

Those voting for John Teesdale were

Messrs. Anderson, Atkins, Arnold, Brown, Bailey, Bryson, BARNER, Bigelow, Carter, Cattell, Cleaver, Cook, Clausen, Cloud, Copeland, Davis, Dorland, Edmundson, Foster, Fry, Grinnell, Gillett, Hogan, Hersberger, Holmes, Inskeep, Jenkins, Jordan of Polk, Kirkwood, Kurtz, Loughridge, Lewis, Lothian, McCoy, McPherson, McFarland, Mills, Moer of Mills, Noble, Price, Perry, Reed, Rusch, Rand, Reeder, Richardson, Roberts, Rodman, Rogers, Saunders, Sawyer, Stanton, Thompson, Thomas, Toll, Wilkinson, Wilson of Mahaska, Wing, Wooden, Wright of Cedar, Mr. President—63.

Those voting for H. D. La Cossit were

Messrs. Brigham, Birge, Barker, Bottorf, Bowen, Coolbaugh, Clark, Cort, Dale, Finney, Galbraith, Griswold, Gossage, Hardie of Dubuque, Hardy of Van Buren, Jordan of Marion, Kelsey, Larimer, McCulloch, McDow, Milliser, Mendenhall, Moore of Dubuque, Neal, Ramsay, Stewart, Scoville, Sullivan, Test, Trimble, Van Valkenberg,, Warner, Wyatt—33.

Mr. Teesdale having received a majority of the votes cast, was

declared duly elected State Printer for the two years from and after the first of May, 1857.

On motion of Mr. Anderson,
The Convention proceeded to the election of a State Binder.

Mr. Cleaver
Nominated Wm. M. Cowles.

Mr. Sullivan
Nominated Wm. Lee.

The Convention proceeded to vote, which resulted as follows :

Those voting for Wm. M. Cowles were :

Messrs. Anderson, Atkins, Arnold, Brown, Bailey, Bryson, Banner, Bigelow, Carter, Cattell, Cleaver, Cook, Clausen, Cloud, Copeland, Davis, Dorland, Edmundson, Foster, Fry, Grinnell, Gillett, Hogan, Hershberger, Holmes, Inskip, Jenkins, Jordan of Polk, Jones, Kirkwood, Kurtz, Loughridge, Lewis, Lothian, McCoy, McPherson, McFarland, Mills, Moer of Mills, Noble, Price, Perry, Reed, Rusch, Rand, Reeder, Richardson, Roberts, Rodman, Rogers, Saunders, Sawyer, Stanton, Thompson, Thomas, Toll, Wilkinson, Williams, Wilson of Mahaaka, Wing, Wooden, Wright of Cedar, Mr. President—63.

Those voting for Wm. Lee were :

Messrs. Brigham, Birge, Barker, Bottorf, Bowen, Coolbaugh, Clark, Cort, Dale, Finney, Galbraith, Griswold, Gossage, Hardie of Dubuque, Hardy of Van Buren, Jordan of Marion, Kelsay, Larimer, McCulloch, McDow, Milliser, Mendenhall, Moore of Dubuque, Neal, Ramsay, Stewart, Scoville, Sullivan, Test, Trimble, Van Valkenburgh, Warner, Wyatt—33.

Mr. Coles, having received a majority of all the votes cast, was declared duly elected State Binder for the ensuing term of said office.

On motion of Mr. Anderson,
It was deemed inexpedient to elect a Warden of the Penitentiary at this convention.

The certificates of election having been duly signed and attested in the presence of the convention,

On motion of Mr. Cleveland,
The Convention adjourned.

The Senate having re-assembled in the Senate Chamber,
Mr. Brigham

Had leave to introduce
Senate File No. 144.

A bill for an act supplemental to an act to establish a recorder's
office in the city of Keokuk,

Which was

Read the first and second times, and,

On his motion,

The eleventh rule was suspended,

Was read a third time,

Passed and the title agreed to.

Mr. Kirkwood

Had leave to introduce
Senate File No. 145,

A bill for an act to regulate insurance companies in the State of
Iowa,

Which was

Read the first and second times, and was,

On motion of Mr. Cook,

Referred to a select committee.

The President appointed Senators Cook, Saunders, and Kirk-
wood said committee.

Mr. McCulloch

Had leave to introduce
Senate File No. 146,

A bill for an act providing for the election of township supervisor
and defining their duties,

Which was

Read the first and second times, and

On his motion, was

Referred to the committee on roads.

Mr. Jenkins

Had leave to introduce
Senate file No. 147,

A bill for an act to incorporate Maquoketa, in Jackson county,
Which was
Read the first and second times, and,
On his motion,
Referred to the committee on Incorporations.

Mr. Coolbaugh
Had leave to introduce
Senate File No. 148,
A bill for an act making provision for the continuance of the geological survey of the state,
Which was
Read the first and second times, and
On his motion,
Was referred to committee on Ways and Means.

Mr. Foster,
From the committee on Agriculture, to whom was referred
House File No. 21,
An act to restrain swine from running at large in Harrison and Monona counties,
Reported the same back to the Senate,
With a substitute therefor.
The bill and substitute were,
On motion of Mr. Anderson,
Laid on the table, and made the special order for to-morrow evening at 7 o'clock.

Mr. Foster,
From the committee on Agriculture, to whom was referred
Senate File No. 139,
A bill for an act to restrain swine and sheep from running at large in the county of Winnesheik,
Reported the same back to the Senate,
And recommended its passage.
On motion of Mr. Thompson,
The bill was laid upon the table.

Mr. Anderson,
From the committee on the Judiciary, to whom was referred a certain petition from minors of Van Buren county,
Reported the same back to the Senate, by bill,

Senate File No. 149,

A bill for an act to authorize Henry Harrall and Stephen Harrall, to convey their interest in certain land,

Which was

Read the first and second times, and,

On motion of Mr. Anderson,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Anderson,

From the same committee, to whom was referred

Senate File No. 87,

Reported the same back to the Senate,

And recommended its passage.

On motion of Mr. Coolbaugh,

The bill was laid upon the table.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred

Senate File No. 91,

A bill for an act to allow redemption from sales upon foreclosures of mortgages,

Reported the same back to the Senate,

And recommended that it be indefinitely postponed.

Mr. Warner

Moved that the Senate adjourn.

Motion lost.

Mr. Anderson

Offered an amendment, to-wit :

Strike out the words "real estate," in the first section, and insert "homestead."

Amendment lost.

The question being upon the indefinite postponement of the bill,

The yeas and nays were demanded,

And were as follows :

The yeas were—

Senators Atkins, Brigham, Birge, Carter, Cattell, Cleaver, Cool-

baugh, Cook, Hogan, Jenkins, Kirkwood, McCoy, McCulloch, McPherson, Neal, Ramsay, Saunders, Stewart, Test, Thompson, Thurston, Trimble, Mr. President—21.

The nays were—

Senators Anderson, Brown, Dale, Foster, Grinnell, Jordan, Loughridge, Reed, Rusch, Warner, Wilkinson—10.

Motion to indefinitely postpone, prevailed.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred
Senate File No. 110,

A bill for an act to amend section 498 of the Code of Iowa,

Reported the same back,

With an amendment relating to the publication of laws,

Which amendment was adopted.

On motion of Mr. Thompson,

The bill and amendments were laid upon the table.

Mr. Neal

Presented the report of the officers of the State Agricultural Society,

Which was,

On his motion,

Referred to the committee on Agriculture.

Mr. Neal,

From the special committee to whom was referred

Senate File No. 105,

Joint resolution and memorial for increased mail facilities,

Reported the same back to the Senate,

And recommended its passage.

On motion of Mr. Thompson,

The eleventh rule was suspended,

The resolution read a third time,

Passed and the title agreed to.

On motion of Mr. Test,

The Senate adjourned.

SENATE CHAMBER,

TUESDAY, JAN. 13th, 1867, 9 O'CLOCK A. M.

Senate met pursuant to adjournment

Prayer by the Chaplain.

Journal of yesterday read and approved.

The President appointed
Senators Andersen, Birge, Saunders,
Committee to re-apportion the Representative, Senate and Con-
gressional districts of the State.

PETITIONS AND REMONSTRANCES.

Mr. McCoy

Presented a petition from Joseph Hewit and 65 others, asking for
the appointment of commissioners to locate the county seat of Cerro
Gordo county.

The petition was,

On motion of Mr. Thompson,

Referred to the delegation from Benton, Fayette and Clayton.

Mr. McCoy, also,

Presented a petition from Joseph Hewit and 62 others, asking for
the settlement of the boundaries of Cerro Gordo county.

The petition was,

On motion of Mr. Thompson,

Referred to the delegation from Benton, Fayette and Clayton
counties.

Mr. Anderson

Presented a petition from J. B. Dixon and 27 others, asking for a
law changing the name of the town of Bremer, to Saville.

The petition was

On motion of Mr. Anderson,

Laid on the table.

Mr. Saunders

Presented a petition from James W. Smith and 55 others, remonstrating against the repeal of the present prohibitory liquor law.

The petition was,

On motion of Mr. Saunders,

Referred to the committee on Ways and Means.

Mr. Rusch

Presented a petition from T. T. C. Schmidt and 15 others, asking for the repeal of the present prohibitory liquor law,

Which was

On motion of Mr. Rusch,

Laid on the table.

Mr. Rusch

Presented a petition from Theodore Tenson and 40 others, asking for the passage of a law to restrain certain animals from running at large.

The petition was,

On motion of Mr. Rusch,

Referred to the committee on Agriculture.

Message from the House of Representatives,

By their Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the following bills—in which the concurrence of the Senate is asked.

House File No. 236,

A bill for an act to change the name of Zingler to Solner.

Also,

House File No. 227,

A bill for an act to change the name of the town of Jefferson, in Warren county.

Also,

House File No. 217,

A bill for an act to locate part of a state road from Muscatine to Iowa City.

Also,

House File No. 115,

A bill for an act in relation to county funds, and the manner of drawing the same from the county treasury.

Also,

House File No. 226,

A bill for an act to locate a state road.

Also,

House File No. 221,

A bill for an act to incorporate Oamanche.

Also,

House File No. 220,

A bill for an act to incorporate Clinton City.

Also,

House File No. 203,

A bill for an act to amend section 38, chapter 106, of the laws of the Fourth General Assembly.

Also,

House File No. 208,

A bill for an act to amend the charter of the city of Burlington.

Also,

House File No. 222,

A bill for an act amendatory to an act incorporating the city of Muscatine.

Also,

House File No. 144,

A bill for an act to incorporate the city of Ft. Des Moines, Polk county, Iowa.

I am further directed to inform the Senate that the House has passed—without amendment—the following Senate Files.

Senate File No. 124,

A bill for an act to locate a certain road, and vacate certain other roads, in Marshall and Jasper counties.

Also,

Senate File No. 118,

A bill for an act authorizing the school fund commissioner of Clayton county, to procure a safe for the use of his office.

Also,

Senate File No. 112,

A bill for an act to incorporate Sioux City.

Also,

Senate File No. 69,

A bill for an act to amend the charter of the city of Council Bluffs

Also,

Senate File No. 140,

A bill for an act to incorporate the city of Winterset.

Also,

Senate File No. 114,

A bill for an act to incorporate the town of Tipton.

Also,

Senate File No. 108,

Joint resolution for an appropriation to build a custom-house &c., in the city of Burlington.

Also,

Senate File No. 130,

A bill for an act to authorize Paul C. Jeffries to transcribe certain records in Wapello county.

I herewith present for your signature

House Files Nos. 18, 81, 117, 147,

The same having passed both branches of the General Assembly, been duly enrolled by the House, and signed by the Speaker.

J. W. LOGAN,

Clerk.

RESOLUTIONS AND NOTICES OF BILLS.

By Mr. Anderson,

Notice of a bill to change the name of the town of Bremer, in Monroe county, to Saville.

By Mr. Anderson,
Notice of a bill to incorporate the town of Albia, in Monroe county.

By Mr. McCulloch,
Notice of a bill increasing the per diem of jurors.

By Mr. Trimble,
Notice of a bill fixing the times of holding courts in the third judicial district.

By Mr. Foster,
Notice of a bill for a joint resolution for additional mail facilities.

By Mr. Grinnell,
Notice of a bill for an additional term of court in Tama county.

Mr. Grinnell
Had leave to introduce
Senate File No. 150,
A joint resolution relating to the admission of Utah,
Which was
Read the first and second times.

Mr. Brigham
Moved to lay the bill upon the table,
Upon which motion,

Mr. Neal
Called for the yeas and nays,
Which were as follows:

The yeas were—
Senators Brigham, Birge, Carter, Cleaver, Coolbaugh, Cook,
Dale, Hogan, Jenkins, McCulloch, Neal, Ramsay, Reed, Stewart,
Test, Trimble, Warner—18.

The nays were—
Senators Anderson, Atkins, Brown, Foster, Grinnell, Jordan,
Kirkwood, Loughridge, Rusch, Saunders, Thompson, Wilkinson,
Mr. President—14.
Motion prevailed.

Mr. Rusch
Offered the following resolution:

Resolved, That it is the sense of the Senate that the act entitled an act for the suppression of intemperance, approved January 22d, 1855, should be repealed.

Mr. Saunders

Moved to strike out the word "repealed" in the resolution, and insert "amended."

On motion of Mr. Trimble,

The resolution was laid upon the table, and made the special order for Friday next, at 2 o'clock P. M.

The President laid before the Senate the report of the commissioner and register of the Des Moines River Improvement,
Which was read.

Mr. Ramsay moved

That the report be laid upon the table, and 1000 copies be ordered to be printed.

Mr. Grinnell

Moved to amend by authorizing the Secretary of State to procure the printing of the report the present week or not at all, which amendment was accepted.

On motion of Mr. Brigham,

The motion was amended by striking out the words "not at all."

Mr. Anderson

Moved to amend by ordering the report to be spread upon the journals, and printed therewith.

Mr. Anderson

Asked leave to withdraw his motion.

Leave not granted.

The yeas and nays being demanded,

On motion of Mr. Anderson,

Were as follows :

The yeas were—

Senators 0.

The nays were,—

Senators Anderson, Atkins, Brigham, Brown, Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, McCulloch, Neal, Ramsay, Reed, Rusch, Saunders, Stewart, Test, Thompson, Thurston, Trimble, Warner, Wilkinson, Mr. President—31.

Amendment lost.

Mr. Brigham

Moved to amend the motion to print by striking out the words "this week," and insert "as soon as practicable."

Amendment lost.

Mr. Cattell

Moved to lay the motion to print and the report on the table, Whereupon,

Mr. Ramsey

Called for the yeas and nays,
Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brown, Carter, Cattell, Cleaver, Jordan, Kirkwood, McPherson, Saunders, Stewart, Test, Thompson, Wilkinson—14.

The nays were—

Senators Brigham, Birge, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Loughridge, McCulloch, Neal, Ramsey, Reed, Rusch, Trimble, Warner, Mr. President—18.

Motion to lay on the table lost.

The question recurring upon the motion to authorize the Secretary of State to print,

Mr Kirkwood

Called for the yeas and nays,

Which were as follows:

The yeas were—

Senators Brigham, Birge, Coolbaugh, Cook, Dale, Grinnell, Jenkins, Jordan, Loughridge, McCulloch, Neal, Ramsey, Reed, Rusch, Thompson, Trimble, Warner, Mr. President—17.

The nays were—

Senators Anderson, Atkins, Brown, Carter, Cattell, Cleaver, Foster, Hogan, Kirkwood, McPherson, Saunders, Stewart, Test, Wilkinson—15.

Motion prevailed,

And the report

Ordered to be printed.

On motion of Mr. Coolbaugh,

A copy of the report was ordered to be made by the engrossing clerk, for the use of the committee.

On motion of Mr. Trimble,

It was

Resolved, That a special committee of three be appointed to examine and report what documents of the Senate shall be published as an appendix to the Senate journal.

The Chair

Appointed Senators Trimble, Cattell and Kirkwood.

On motion of Mr. Coolbaugh,

The Senate adjourned.

TWO O'CLOCK, P. M.

Mr. Thompson,

From the committee on New Business from judicial districts, to whom was referred

House File No. 6,

A bill for an act fixing the boundaries of the 13th judicial district, and fixing the times of holding courts therein,

Reported the same back to the Senate, and recommended its passage.

On motion of Mr. Thompson,
The 11th rule was suspended, and
The bill read the third time,
Passed, and title thereof agreed to.

Mr. Stewart,

From committee on Charitable Institutions, to whom was referred

Senate File No. 70,

A bill entitled an act to locate the Asylum for the deaf and dumb at Winterset, in Madison county Iowa,

Reported the same back to the Senate, and recommended its indefinite postponement.

Mr. McPherson

Offered the following amendment to the first section of the bill, to wit :

" Provided that all the rock necessary for the building be given in the quarry to the State,"

Which amendment was adopted.

Mr. Test

Offered the following amendment to the first section, which was adopted :

" Provided, the expenditure by the commissioners, shall not exceed ten thousand dollars during the next two years."

The question being

On the indefinite postponement of the bill,

Mr. McPherson

Called for the yeas and nays,

Which were as follows :

The yeas were—

Senators Brigham, Carter, Cattell, Coalbaugh, Cook, Foster, Hogan, Jenkins, Kirkwood, McCoy, McCreary, McCulloch, Neal, Ramsay, Reed, Saunders, Stewart, Thompson, Wilkinson, Mr. President—20.

The nays were—

Senators Anderson, Atkins, Brown, Biggs, Dale, Grinnell, Jordan, Loughbridge, McPherson, Rusch, Test, Trimble, Warner—13.

Motion prevailed.

Senate File No. 23,

A bill for an act to amend chapter 497 of the session laws of 1854-5.

Also

Senate File No. 76,

An act to amend the charter of the town of Fairfield.

Having been signed by the Speaker of the House, of Representatives, and the President of the Senate, and having been endorsed by the Secretary of the Senate, was placed in the hands of the Governor.

Mr. Foster,

From the committee on Agriculture, to whom was referred

House File No. 24,

A bill for an act to amend an act entitled an act concerning fences,

Reported the same back to the Senate,

And recommended its passage.

Mr. Cattell

Moved to amend the first section by inserting the words "nor less than sixteen inches,"

Which amendment was adopted.

On motion of Mr. Foster,

The bill was laid upon the table, and made the special order for Wednesday evening at seven o'clock.

Mr. Kirkwood,

From the special committee to whom was referred

Senate Files Nos. 37 and 136,

Bills relating to the Iowa Penitentiary,

Reported the same back to the Senate,

With sundry amendments.

First amendment—

Add to section first :

"Provided further, That the present Warden shall not be removed before the expiration of his official term of service."

Which amendment was adopted.

Second amendment—

Strike out of section two, all preceding the words:

"No officer,"

Which amendment was adopted.

Third amendment—

Strike out of the remainder of the second section the words:

"The Warden, his,"

And insert:

"And shall be furnished with a garden of half an acre, and with full lights and stationery from the stock provided for the use of the prison."

Which amendment was adopted.

Fourth amendment—

Add to the end of the second section, the following words:

"The deputy-warden, clerk, and day and night guards, shall be appointed by the Warden, subject to the approval or disapproval, of the Inspectors, and shall hold their offices during the pleasure of the Warden; *Provided*, That in every case of the removal of any of said officers by the Warden, he shall state his reasons therefor, in writing to the Inspectors at their next regular meeting."

Amendment adopted.

Fifth amendment—

Add to section four, as follows:

"The Inspectors may, as the necessities of the case may require, increase or decrease the pay of the officers of the prison, but not beyond the following amounts—that is to say:

To the Warden seven hundred dollars,

To the Deputy-Warden five hundred dollars,

To the Clerk four hundred dollars,

To the Inspectors one hundred dollars each,

To the Night Guards fifty dollars, per month, each,

Which amendment was adopted.

Sixth amendment—

Add to section five as follows:

"The guards shall also each give bonds to the State of Iowa, with security, to be approved by the Inspectors, in the sum of five hundred dollars, conditioned for the faithful performance of their duties, which bonds shall be deposited with the Warden."

The amendment was adopted.

Mr. Loughridge

Moved to amend by striking out the word "Inspectors" in the first section, and inserting "the Governor, the Secretary of State, and the Auditor of State,"

Amendment lost.

Mr. Anderson

Offered the following amendment, which was adopted,

"Provided, That members of the Board of Inspectors and other officers of the Penitentiary, shall not be eligible to the office of Warden "

The bill was

Ordered to be engrossed and read a third time, this evening.

Senate File No. 126,

Reported by the same committee,

Was indefinitely postponed.

The President

Laid before the Senate the following communication from the Governor,

Which was laid on the table.

EXECUTIVE OFFICE, }
JANUARY, 18TH, 1857. }

To the President of the Senate,

SIR—

I am just in receipt of the Senate resolution requesting me to communicate to the Senate any information in relation to the erection of public buildings at Fort Des Moines.

In relation to the buildings now in process of erection at Fort Des Moines, and which I am informed is intended for the use of the General Assembly, I know but little.

I understand it to be yet in an unfinished condition, though near completion. I am not prepared to express an opinion as to the strength and thoroughness of construction, style of finish, &c., &c. nor do I suppose such an expression of opinion is desired.

In regard to this subject of capitol buildings, I beg leave to refer you to the enclosed copy of a letter to A. M. Lyman and Wm. McKay, Esqrs., dated 31st January 1855, and written in view of the responsibility that might, under certain circumstances, devolve upon the Governor of the State in connection with the matter.

I am your ob't serv't,

JAMES W. GRIMES.

On motion of Mr. Wilkinson,
The Senate adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

Mr. Birge

Had leave to introduce

Senate File No. 151,

An act legalizing the articles of incorporation of the Great Western Railroad Company.

Mr. Stewart

Moved to refer the bill to the committee on Railroads.

Motion lost.

On motion of Mr. Birge,

The eleventh rule was suspended,

And,

The bill read a third time,

On motion of Mr. Stewart,

The bill was

Referred to the committee on Railroads, with instructions to report at their earliest convenience.

The special order being,

Senate File No. 123,

A bill for an act for the encouragement of Agriculture,
On motion of Mr. Foster,
The Senate resolved itself into the Committee of the Whole,
Mr. Cook in the Chair,
After some time the committee rose, and reported progress.
Reported the same back to the Senate,
With sundry amendments, and recommended their adoption, and
the passage of the bill.

Mr. Test

Moved that the Senate adjourn.

Motion lost.

On motion of Mr. Jenkins,

A call of the Senate was ordered.

Senators Atkins, Brigham, Brown, Jordan, Matthews, Neal, Ramsey, Reed, Rusch, Saunders, Thurston, Wilkinson—12.
Were found to be absent.

On motion of Mr. Anderson,

Further proceedings under the call were dispensed with.

On motion of Mr. Test,

The Senate adjourned.

SENATE CHAMBER, }
Jan. 14th, 1857—9 A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS AND REMONSTRANCES.

Mr. Brown

Presented petition from James Hall and 44 others, asking for the passage of a law legalizing the sales of certain school lands in Boone county.

The petition was,

On motion of Mr. Grinnell,

Referred to the delegation from Fayette county.

Mr. Atkins

Presented the following resolution :

Resolved, That no member shall be allowed to speak more than twice on the same question, nor more than five minutes at each time, without leave granted.

On motion of Mr. Grinnell,

The resolution was amended by striking out the words :

" Nor more than five minutes at each time."

Mr. Coolbaugh

Moved to lay the resolution on the table,

Which motion was lost.

Mr. Anderson

Moved to insert " ten minutes,"

Which motion was lost.

Mr. Birge,

Moved to amend by inserting " two hours,"

Which motion was lost.

The resolution, as amended, was adopted.

Mr. McCrary

Presented the following resolution, which was adopted ;

Resolved, That the chief clerk, or any one else, having the desired information, inform the Senate when he will get the printed report of the Superintendent of Public Instruction.

Mr. Cattell,

From the special committee, to whom was referred

Senate file No. 105,

A bill for an act relating to the assessment of property.

Reported the same back to the^e Senate with sundry amendments,

Which were adopted:

Mr. Test,

Moved to lay the bill on the table, and make it the special order for Thursday evening.

Which motion was lost.

Mr. Jenkins,

Moved to strike out in section 7, after the word "dollars," the words "and fifty cents."

Upon which motion, the yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Anderson, Coolbaugh, Dale, Foster, Jenkins McCrary, Trimble.—7.

The nays were—

Senators Atkins, Brigham, Brown, Birge, Carter, Cattell, Cleaver, Cook, Grinnell, Hogan, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCulloch, McPherson, Neal, Ramsey, Reed, Rusch, Saunders, Stewart, Test, Thompson, Thurston, Warner, Wilkinson, Mr. President.—25.

Motion lost.

Mr. Rusch,

Moved to strike out in section 7, \$2,50 and insert \$3.

Upon which motion the yeas and nays were demanded, And were as follows:

The yeas were—

Senators Birge, Rusch, Test, Thompson, Wilkinson.—5.

The nays were—

Senators Anderson, Atkins, Brigham, Brown, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins Jordan, Loughridge, McCoy, McCrary, McCulloch, McPherson, Neal, Ramsey, Reed, Saunders, Stewart, Trimble, Warner, Mr. President.—29.

Mr. Jenkins

Moved to amend section seven so as to read—

“The deputy assessor shall receive two dollars per day,”

Which motion was lost.

Mr. Trimble

Moved to refer the bill back to the same committee, with the following instructions:

That said committee be instructed to report amendments to said bill so that in each county having a population not exceeding 10,000, there shall be one assessor elected, and that in all counties where the population exceeds 10,000 the county judge shall divide such county into one district for every 10,000 and for every fraction over 10,000 making said districts nearly equal as practicable, that one assessor be elected in each district, and that no deputies shall be elected.”

The question being upon Mr. Trimble's motion,

The yeas and nays were demanded,

And were as follows:

The yeas were—

Senators Birge, Coolbaugh, Dale, Jenkins, Neal Saunders, Test, Trimble, Warner—9.

The nays were—

Senators Anderson, Atkins, Brown, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Hogan, Jordan, Kirkwood, Loughridge, McCoy, McCrary, McCulloch, McPherson, Ramsay, Reed, Rusch, Stewart, Wilkinson, Mr. President—9.

Motion lost.

Mr. Jenkins

Moved to amend section 20 so as to compel the person who owns the property at the time of the assessment to pay the taxes thereon,

Which motion was lost.

On motion of Mr. Anderson,

The following proviso was added to section 8, to-wit:

Provided that no deputy shall be appointed where the population of the county does not exceed ten thousand, except in case of vacancy or inability of the assessor.

Mr. Rusch

Offered the following proviso to section 20,

Which was lost :

Provided that in the assessment herein provided, the person assessed may deduct from the valuation of his property the amount of all debts at the time owed by him.

On motion of Mr. McCoy,

Section 20 was amended by adding the following proviso :

Provided that when any property shall have perished or shall have been destroyed after the first day of February and before the assessment shall be completed, it may, on the application of the owner to the assessor, be stricken from the list.

Mr. Cattell

Moved to further amend section 20 by adding the following proviso :

Provided that each assessor shall add to his assessment roll, goods wares or merchandize which may be brought into his county to be sold for profit, and which has not been before assessed in this State, or the purchase money paid therefor for the current year after said first of February, and previous to the completion of the assessment.

Mr. Anderson

Moved to amend the amendment by adding the following :

"Provided, That at such time, all debts contracted subsequently to such assessment, shall be allowed as an offset against such additional assessment."

On motion of Mr. Anderson,

The Senate adjourned.

TWO O'CLOCK, P. M.

On motion of Mr. McCrary,

The vote by which Mr. McCoy's amendmant to section 20, was adopted, was re-considered.

On motion of Mr. Anderson,

The amendment was laid on the table.

On motion of Mr. Anderson,

The amendments offered by Mr. Cattell and the amendmen thereto by Mr. Anderson, was

Laid on the table.

Mr. Warner

Moved to lay the bill on the table.

Motion lost.

On motion of Mr. Jenkins,

Section 15 was amended by inserting after the word "transmit" the words "by mail or otherwise."

Mr. Neal

Moved to amend by adding the following as an additional section:

"That any person may list in the township in which he resides all the property he may own, or desire to pay taxes on in the county Provided, That he reports said list to the assessor of the district in which the property is located,"

Amendment adopted.

Mr. Jenkins

Moved to amend section 18 by inserting the words "assessor and sheriff," after the word "surveyor."

Upon which motion,

The yeas and nays were demanded, and
Were as follows:

The yeas were—

Senators Anderson, Atkins, Brigham, Brown, Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughbridge, McCoy, McCrary, McCulloch, McPherson, Neal, Reed, Rusch, Saunders, Stewart, Test, Thompson, Trimble, Warner, Wilkinson—32.

The nays were—

Senators Ramsay, Mr. President—2.

Motion prevailed.

Mr. Neal

Moved to strike out the word "clerk," and insert the word "treasurer."

Which motion was lost.

Mr. Test

Moved to strike out, in section sixteen, the words,

"The census board,"

And insert

"The district judges shall constitute,"

Which motion was lost.

The question being

Upon ordering the bill to be engrossed for a third reading,

The yeas and nays were demanded,

And taken as follows :

The yeas were—

Senators Anderson, Atkins, Brigham, Brown, Carter, Cattell, Cleaver, Foster, Grinnell, Hogan, Jordan, Kirkwood, McCoy, McCrary, McCulloch, McPherson, Neal, Ramsay, Reed, Rusch, Saunders, Stewart, Thompson, Wilkinson, Mr. President—25.

The nays were—

Senators Birge, Coolbaugh, Cook, Dale, Jenkins, Loughbridge, Trimble, Warner—9.

Question decided in the affirmative.

Mr. Cattell,

From the committee on Claims, to whom was referred

House File No. 59,

An act for the relief of W. W. Williamson,

Reported the same back to the Senate, and recommended its passage.

Mr. Neal

Moved to amend by adding as an additional section, the following:

"That the auditor of state be required to audit and allow the necessary and legal expenses of the judge elect of the fifth judicial district in contesting the supposed election of W. W. Williamson.

Which amendment was lost.

On motion of Mr. Anderson,
The bill was laid upon the table.

Mr. Foster,

From the committee on engrossed bills, made the following report:

MR. PRESIDENT:

The committee on Engrossed Bills report

Senate File No. 37,

An act to provide for the appointment of Warden of the Penitentiary, and to amend the several acts relative to the discipline and government of the Penitentiary,

Correctly engrossed.

CHARLES FOSTER,
Chairman.

The bill

Was read the third time,
Passed, and title agreed to.

Mr. Cattell,

From the special committee to whom was referred

Senate File No. 22,

A bill for an act relating to the assessment of property,

Reported the same back to the Senate,

And recommended its indefinite postponement,

Which report was concurred in.

Mr. Thompson,

From the committee on Public Lands, to whom was referred

Senate File No. 138,

A joint resolution relating to the pre-emption laws,
Reported the same back to the Senate,
And recommended its passage.

On motion of Mr. Test,
The joint resolution was laid on the table.

Mr. Anderson,
From the committee on the Judiciary, to whom was referred
Senate File No. 104,
Reported the same back to the Senate,
• With one amendment,
Which amendment was adopted,
And the bill
Ordered to be engrossed for a third reading.

Mr. Anderson,
From the same committee, to whom was referred
Senate File No. 107,
A bill for an act regulating trials and appeals in the county court,
Reported the same back to the Senate,
With one amendment, to-wit—section 5,
Which amendment was adopted,
And the bill
Ordered to be engrossed for a third reading.

Mr. Anderson,
From the committee on the Judiciary, to whom was referred
Senate File No. 78,
A bill for an act to amend chapter 64 of the Code of Iowa,
Reported the same back to the Senate.
On motion of Mr. Loughridge,
The bill was laid on the table.

Mr. Saunders
Presented a petition from W. F. Clayton and 40 others, asking for
the passage of a hog law.
The petition was,
On motion of Mr. Saunders,
Laid on the table.

On motion of Mr. Thompson,
The vote by which

Senate File No. 138,
Was laid on the table, was reconsidered.

On motion,
The Senate adjourned until 7 o'clock p. m.

SEVEN O'CLOCK P. M.

The special order being
House File No. 21,
And a substitute therefor, an act to restrain swine from running
at large in Harrison and Monona counties,
Mr. Loughridge
Moved to indefinitely postpone the substitute.

Mr. Hamilton
Moved to refer to a select committee of five,
Which motion prevailed.
The President appointed Senators Cattell, Rusch, Stewart, Carter and Cleaver, said committee.

House File No. 36,
A bill for an act entitled an act concerning fences,
Was referred to the select committee to whom was referred
House File No. 21.

Mr. Neal had leave to introduce
Senate File No. 153,
A bill for an act to change the name of Robert William Thorner,
Which was
Read the first and second times, and
On his motion,
The eleventh rule was suspended.
The bill read a third time,
Passed and the title agreed to.

Message from the House of Representatives,
By Mr. Logan, Chief Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following bills—in which the concurrence of the Senate is asked.

House File No. 1,

A bill for an act to create school district No. 5, out of parts of Washington township, in Dubuque county, and Otter Creek township, in Jackson county.

Also,

House File No. 72,

A bill for an act supplemental to an act approved July 14, 1856, in relation to a grant of land for railroad purposes.

Also,

House File No. 138,

A bill for an act defining the rights and privileges of the Platte-mouth ferry company.

Also,

House File No. 144,

A bill for an act to incorporate Lithopolis University.

Also,

House File No. 150,

Memorial and joint resolution for increased mail facilities.

Also,

House File No. 151,

Joint resolution for increased mail facilities.

Also,

House File No. 153,

A bill for an act to change a part of the State road from Fairview, in Jones county, to Pioneer Grove in Cedar county.

Also,

House File No. 156,

A bill for an act authorizing the selection of a grand and petit jury in Mills county, Iowa.

Also,

House File No. 157,

A bill for an act to amend an act entitled an act to incorporate the town of Guttenberg.

Also,

House File No. 164,

A bill for an act defining what shall constitute a copy of the field notes of the original survey, as contemplated in section 112 of the Code.

Also,

House File No. 188,

Joint resolution asking for additional mail facilities.

Also,

House File No. 193,

A bill for an act to vacate part of a state road therein named.

Also,

House File No. 199,

A bill for an act fixing the times of holding courts in the eighth judicial district.

Also,

House File No. 214,

A bill for an act to vacate High street, in the town of Adell.

Also,

House File No. 208,

A bill for an act to change the name of George Granger, and to make him an heir-at-law.

Also,

House File No. 219,

A bill for an act for the relief of the medical department of the state university.

Also,

House File No. 122,

A bill for an act to amend chapter 82, of title 18 of the code of Iowa, and to close up assignments for the benefit of creditors.

Also,

House File No. 76,

A bill for an act regulating the license of showmen.

Also,

House File No. 100,

A bill for an act to amend the charter of Ottumwa.

Also,

House File No. 108,

A bill for an act authorizing and regulating the payment of certain monies due the normal schools of Andrew and Oskaloosa.

Also,

House File No. 126,

A bill for an act to re-locate part of a state road.

Also,

House File No. 181,

A bill for an act to amend section 211 of chapter 22 of the code of Iowa.

Also,

House File No. 168,

Joint resolution for additional mail facilities.

Also,

House File No. 180,

A bill for an act to legalize the organization of Howard county.

Also,

House File No. 181,

A bill for an act to change the name of Abbis Jane Kidd, to Abbis Jane Heitt.

Also,

House File No. 194,

A bill for an act to establish certain state roads therein named.

Also,

House File No. 195,

A bill for an act to authorize the supreme and district courts to adopt rules to regulate the practice of law in civil cases.

Also,

House File No. 198,

A bill for an act to make the bridge across North Skunk river a part of the public highway.

Also,

House file No. 200,

A bill for an act providing for the county record of the original entries of land and allowing such record to be received and read in evidence in all the courts of this state.

Also,

House file No. 207,

Joint resolution asking Congress for additional mail facilities.

Also,

House file No. 219,

A bill for an act to change a certain state road in Apponoose county, Iowa.

Also,

House File No. 218,

A bill for an act authorizing the administrator of the estate of H. M. Beeson to perform certain acts.

Also,

House File No. 224,

A bill for an act relating to school and university lands and school funds.

Also,

House File No. 232,

A bill for an act to amend the charter of the city of Keokuk.

Also,

House File No. 237,

Joint resolution for additional mail facilities in Iowa.

Also,

House File No. 239,

A bill for an act to define the time of holding courts in the fourth judicial district.

Also,

House File No. 255,

A bill for an act to amend chapter 118 of the acts of the Third General Assembly of the State of Iowa.

I am further directed to inform the Senate that the House has passed, without amendment, the following Senate Files:

Senate File No. 34,

A bill for an act to provide for the taking of depositions in case of non-resident defendants.

Also,

Senate File No. 62,

Joint resolution asking for additional mail facilities.

Also,

Senate File No. 60,

A bill for an act fixing the salaries of supreme and district judges of this State, and providing for their payment.

Also,

Senate File No. 73,

A bill for an act for the further regulating and suing out writs of error in the district court.

Also,

Senate File No. 75,

A bill for an act for the distribution of the property of school district No. 3, Bloomfield township, Davis county, Iowa.

Also,

Senate File No. 85,

A bill for an act to change the name of Funk Grove to Avon.

Also,

Senate File No. 86,

A bill for an act vacating certain alleys in Bloomfield, Davis county, Iowa.

Also,

Senate File No. 88,

Joint resolution in relation to the Woodworth Planing Machine.

Also,

Senate File No. 90,

A bill for an act providing for the Deaf and Dumb Asylum.

Also,

Senate File No. 97,

A bill for an act authorizing the county Recorder of Davis county, Iowa, to re-index certain records therein named.

Also,

Senate File No. 106,

A bill for an act to grant an additional justice of the peace in New Vienna township, Dubuque county.

Also,

Senate File No. 111,

A bill for an act for an additional justice of the Peace in Wapello county, Iowa.

Also,

Senate File No. 115,

A bill for an act to amend an act entitled an act to incorporate the city of Wapello.

Also,

Senate File No. 116,

Joint resolution for the relief of Mary Ann Cheney and heirs.

Also,

Senate File No. 117,

A bill for an act amending an act fixing the boundaries of the tenth judicial disirict, and the times of holding courts therein, and for other purposes.

Also,

Senate File No. 121,

A bill for an act to legalize the re-survey of the town of Bedford, in the county of Taylor, and to better establish the corners of lots in said town.

Also,

Senate File No. 122,

Joint resolution to procure additional mail facilities.

Also,

Senate File No. 125,

A bill for an act to re-establish part of the town of Toolsboro,
Louisa county.

Also,

Senate File No. 126,

A bill for an act to amend the charter of Lyons City.

I am further directed to return

Senate File No. 47,

A bill for an act providing for the education of the blind,
The House having receded from the amendment.

I am further directed to inform the Senate that the House has
passed

Senate File No. 96,

A bill for an act vacating a certain grave-yard therein named, the
same having been amended in section 5.

I herewith present for your signature

House Files Nos. 135, 190, 149, 60, 85, 93, 102, 101, 75, 48,

The same having passed both branches of the General Assembly,
been duly enrolled by the House, and signed by the Speaker.

J. W. LOGAN,
Chief Clerk.

Mr. Coolbaugh

Had leave to introduce

Senate File No. 154,

A memorial to Congress in favor of the repeal of the duty on
sugar and molasses,

Which was

Read the first and second times, and

On his motion,

The eleventh rule was suspended,

The memorial read the third time,

Passed, and title agreed to.

Mr Coolbaugh

Had leave to introduce

Senate File No. 155,

A memorial of the General Assembly of the State of Iowa, to Congress in favor of the Pacific railroad,

Which was

Read the first and second times, and,

On his motion,

The eleventh rule was suspended,

The memorial read the third time,

Passed, and title thereof agreed to.

Message from the House,

By Mr. Logan, Chief Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following bill, in which the concurrence of the Senate is asked :

House file No. 118,

A bill for an act allowing fees to the clerk of the supreme court in certain cases.

J. W. LOGAN,

Clerk.

Mr. Coolbaugh

Had leave to introduce

Senate File No. 156,

Preamble and resolutions in favor of the repeal of the duty on railroad iron,

Which was

Read the first and second times, and,

On his motion,

The eleventh rule was suspended,

The preamble and resolutions read the third time,

Passed and the title agreed to.

Mr. Grinnell

Had leave to introduce

Senate File No. 157,

A bill for an act to incorporate the city of St. Charles,

Which was

Read the first and second times, and,

On his motion,

Referred to the committee on Incorporations.

Mr. Brigham .

Had leave to introduce

Senate File No. 158,

A bill for an act concerning the Iowa Medical College,
Which was

Read the first and second times, and

On motion of Mr. Cleveland,

Referred to a select committee of three.

The President

Appointed Senators Cleaver, Saunders, and McPherson, said committee.

Mr. Anderson

Had leave to introduce

Senate File No. 159,

A bill for an act to incorporate Albia, in Monroe county.

Which was

Read the first and second times, and

On his motion,

Referred to the committee on Incorporations.

Mr. McCrary,

From the committee on Charitable Institutions, to whom was referred

Senate File No. 48,

A bill for an act for the permanent location of the Asylum for the Blind,

Reported the same back to the Senate, and

On his motion,

The bill was laid on the table, and made the special order for tomorrow morning at 9 o'clock.

Mr. Thompson

Had leave to introduce

Senate File No. 160,

A bill for an act to repeal sections 3 and 4, of chapter 67 of the Session laws of 1855.

Which was

Read the first and second times, and

On his motion,

Referred to the committee on the Judiciary.

Message from the House of Representatives,
By Mr. Logan, Chief Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed—
without amendment—

Senate File No. 37,

A bill for an act in relation to Warden, and the discipline and
government of the Penitentiary.

J. W. LOGAN,
Clerk.

Mr. Saunders

Had leave to introduce

Senate File No. 161,

A joint resolution for additional mail facilities.

Which was

Read the first and second times, and

On his motion,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Hamilton

Had leave to introduce

Senate File No. 162,

A joint resolution in relation to delinquent state taxes,

Which was

Read the first and second times, and

On motion of Mr. Anderson,

Referred to the committee on Ways and Means.

Mr. Trimble

Had leave to introduce

Senate File No. 163,

A bill for an act fixing the times of holding courts in the third ju-
dicial district,

Which was

Read the first and second times, and,

On his motion,

Referred to the committee on the Judiciary.

Mr. Grinnell

Had leave to introduce

Senate File No. 164,

A bill for an act to authorize an additional term of court in Tama county.

Which was

Read a first and second times, and

On motion of Mr. Thompson,

The 11th rule was suspended, and

The bill read the third time,

Passed and the title thereof agreed to.

Mr. Foster

Had leave to introduce

Senate File No. 165,

Joint resolution for additional mail facilities.

Which was

Read the first and second times, and

On motion of Mr. Neal,

The eleventh rule was suspended,

The bill read the third time,

Passed and the title agreed to.

Mr. Warner

Had leave to introduce

Senate File No. 166,

A bill for an act to fix the times of holding court in the ninth judicial district,

Which was

Read the first and second times, and,

On his motion, was

Referred to the Judiciary committee.

Mr. Hogan

Had leave to introduce

Senate File No. 167,

A bill for an act to authorize the re-survey of a certain road in Keokuk county,

Which was

Read the first and second times, and,

On his motion,

The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

Mr. Loughridge
Had leave to introduce
Senate File No. 168,
A bill for an act fixing the weight of sand and lime,
Which was
Read the first and second times, and,
On his motion,
Referred to the committee on Agriculture.

Mr. Cattell
Had leave to introduce
Senate file No. 169,
A bill for an act for the better regulation of public schools in cities and towns,
Which was
Read the first and second times, and
On his motion,
Referred to the committee on Schools.

On motion of Mr. Ramsay,
The Senate adjourned.

SENATE CHAMBER, }
TUESDAY, JAN. 15th, 1857, 9 O'CLOCK A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS.

Mr. Foster

Presented a preamble and resolution adopted at a meeting of the citizens of Washington, on the subject of the removal of the Capitol,

Which was read, and,

On his motion,

Was laid on the table.

Mr. Foster

Presented a petition from John Pollock and 40 others, remonstrating against the repeal of the present prohibitory liquor law,

Which was read, and,

On his motion,

Was laid on the table.

Senate File No. 48,

A bill for an act for the permanent location of the Asylum for the blind,

Being the special order,

Mr. Loughridge

Offered a substitute for all after the first section,

Which substitute was adopted.

On motion of Mr. Loughridge,

Section 4 was amended by adding the following proviso :

Not more than two thousand dollars in any one year.

Mr. Grinnell

Moved to amend by striking out "Oskaloosa, in Mahaska county," and insert "Newton, Jasper county."

Which motion was lost.

Mr. Neal

Moved to amend by inserting "Knoxville, in Marion county," in the place of "Oskaloosa, in Mahaska county,"

Mr. Kirkwood

Offered the following proviso to section one :

Provided that no money shall be expended for the purpose of the erection of the building, until after the meeting of the next General Assembly.

The question being upon the adoption of the proviso,

The yeas and nays were demanded,

And taken as follows :

The yeas were—

Senators Brown, Carter, Cattell, Coolbaugh, Dale, Jenkins, Kirkwood, Matthews, McCoy, McCrary, Neal, Ramsay, Reed, Saunders, Stewart, Mr. President—16.

The nays were—

Senators Birge, Cleaver, Cook, Foster, Grinnell, Hogan, Jordan, Loughridge, McCulloch, McPherson, Rusch, Test, Thompson, Trimble, Warner, Wilkinson—19.

Motion lost.

Mr. Thompson

Moved to amend by striking out Oskaloosa, in Mahaska county, and insert Marion, in Linn county.

Mr. Brown

Moved, to amend the amendment by striking out Marion, in Linn county, and insert Fayette, in Fayette county.

Upon which motion,

The yeas and nays were demanded, which were as follows :

The yeas were—

Senator Atkins, Brown, Carter, Cattell, Kirkwood, Matthews, McPherson, Rusch, Mr. President—11.

The nays were—

Senators Anderson, Brigham, Birge, Cleaver, Coolbaugh, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Loughridge, McCoy, McCrary, McCulloch, Neal, Ramsay, Reed, Saunders, Test, Thompson, Thurston, Trimble, Warner, Wilkinson—24.

Motion lost.

The question being upon Mr. Thompson's motion,

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Atkins, Brown, Birge, Carter, Cattell, Dale, Kirkwood, Matthews, McCoy, Neal, Saunders, Stewart, Thompson, Mr. President—14.

The nays were—

Senators Anderson, Brigham, Cleaver, Coolbaugh, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Loughridge, McCrary, McCulloch, McPherson, Ramsay, Trimble, Warner, Wilkinson—21.

Motion lost.

Mr. Hamilton

Moved to strike out "Oskaloosa in Mahaska county,

And insert

"Delhi, in Delaware county."

The question being,
On the adoption of the motion,
The yeas and nays were demanded,
And were as follows:

The yeas were—

Senators Atkins, Brown, Carter, Cattell, Kirkwood, Matthews, McCoy, Neal, Rusch, Stewart, Thompson, Mr. President—12.

The nays were—

Senators Anderson, Brigham, Birge, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Loughridge, McCrary, McCulloch, McPherson, Ramsay, Reed, Saunders, Test, Trimble, Warner, Wilkinson—23.

Motion lost.

Mr. Neal

Offered the following amendment to section one, to wit:

"Strike out Oskaloosa, in Mahaska county"

And add to the section—

"*Provided*, a donation of 20 acres of land is made, whereon to locate said institution."

Mr. Grinnell

Moved to amend the amendment by striking out—

"Knoxville, in Marion county,"

And inserting—

"Newton, in Jasper county,"

Also, to strike out—

"Twenty acres,"

And insert—

"Forty acres,"

Which motion was lost.

The question being on

Mr. Neal's amendment,

Mr. Neal

Called for the yeas and nays,

Which were as follows :

The yeas were—

Senators Atkins, Carter, McCoy, McCulloch, Neal, Ramsay, Thompson, Trimble, Warner—9.

The nays were—

Senators Anderson, Brigham, Brown, Birge, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCrary, McPherson, Reed, Rusch, Saunders, Stewart, Test, Wilkinson, Mr. President—26.

Motion lost.

Mr. Read

Moved to strike out all after the enacting clause, and insert the following, to-wit :

"That one person to be named by the President of the Senate, and one to be named by the Speaker of the House of Representatives, and one by the Governor, be appointed, and authorized to receive proposals, and examine locations and lands, with a view to the permanent establishment of an asylum for the blind, and deaf and dumb, and receive deeds for the point or points selected by them, and report their action to the next General Assembly."

Upon which motion,

The yeas and nays were demanded,

And were as follows :

The yeas were—

Senators Atkins, Brown, Birge, Carter, Cattell, Dale, Kirkwood, Matthews, McCoy, Neal, Reed, Rusch, Saunders, Stewart, Thompson, Mr. President—16.

The nays were—

Senators Anderson, Brigham, Cleaver, Coolbaugh, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Loughridge, McCrary, McCulloch, McPherson, Ramsay, Trimble, Warner, Wilkinson—19.

Motion lost.

On motion of Mr. Loughridge,

The blank in the first section was filled with the following:

James Rhinehart of Mahaska county, C. Slagle of Jefferson county, and James Barnes of Van Buren county.

Mr. Carter

Moved to amend the second section by adding as follows:

Said donation of land being valued by the commissioners at not less than two thousand dollars.

Mr. Stewart

Moved to amend the amendment by striking out \$2000 and insert \$5000.

Moved to lay the bill and amendment on the table.

Upon which motion,

The yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Atkins, Carter, Cattell, Coolbaugh, Kirkwood, Matthews, McCoy, McCrary, Neal, Reed, Rusch, Saunders, Stewart, Thompson, Mr. President—15.

The nays were—

Senators Anderson, Brigham, Brown, Birge, Cleaver, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Loughridge, McCulloch, McPherson, Ramsay, Trimble, Warner, Wilkinson—20.

Motion lost.

The question being,

On the amendment of Mr. Stewart,

Mr. Brigham

Moved the previous question,

Which motion prevailed.

The question being on Mr. Stewart's motion,

The yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Brown, Carter, Cattell, Kirkwood, Matthews, McCoy, Stewart, Thompson, Mr. President—9.

The nays were—

Senators Anderson, Atkins, Brigham, Birge, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Loughridge, McCrary, McCulloch, McPherson, Neal, Ramsay, Reed, Rusch, Saunders, Test, Trimble, Warner, Wilkinson—26.

Motion lost.

The question being on Mr. Carter's amendment,

The yeas and nays were demanded, and

Were as follows :

The yeas were—

Senators Brown, Carter, Cattell, Jenkins, Kirkwood, Matthews, McCoy, Neal, Reed, Rusch, Stewart, Thompson, Mr. President—13.

The nays were—

Senators Anderson, Atkins, Brigham, Birge, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jordan, Loughridge, McCrary, McCulloch, McPherson, Ramsay, Saunders, Test, Trimble, Warner, Wilkinson—22.

Amendment lost.

On motion of Mr. Coolbaugh,

The vote sustaining the call for the previous question was reconsidered.

On motion of Mr. Ramsay,

The second section was amended by striking out "ten," and inserting "twenty."

On motion of Mr. Neal,

The second section of the bill was amended by inserting the word "conveyed," after the words "donated and."

The question being,

On ordering the bill to be engrossed for a third reading,

The yeas and nays were demanded, and

Were as follows :

The yeas were—

Senators Anderson, Brigham, Brown, Birge, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Loughridge, McCrary, McCulloch, McPherson, Ramsay, Reed, Rusch, Saunders, Test, Trimble, Warner, Wilkinson—25.

The nays were—

Senators Atkins, Carter, Cattell, Kirkwood, Matthews, McCoy, Stewart, Thompson, Mr. President—10.

The bill was

Ordered to be engrossed for a third reading.

Mr. Cook,

From Committee on Enrolled Bills,

Made the following report :

The committee on Enrolled Bills, report,

That they have presented to His Excellency, the Governor, for his approval, the following bills, viz :

Senate File No. 76,

An act to amend the charter of the town of Fairfield.

Also,

Senate File No. 24,

An act to amend chapter 49 of the session laws of 1854-5.

The committee on Enrolled Bills, report,

That they have examined the following bills, and find the same correctly enrolled, to-wit :

Senate File No. 130,

A bill for an act to authorize Paul C. Jeffries, to transcribe certain records in Wapello county.

Also,

Senate File No. 124,

An act to locate certain roads, and vacate other roads in Marshall and Jasper counties.

Also,

Senate File No. 118,

A bill for an act to authorize the school fund commissioner of Clayton county, to procure a safe for his office.

Also,

Senate File No. 108,

Joint resolution for an appropriation to build a custom-house, &c., in the city of Burlington.

Also,

Senate File No. 141,

An act to incorporate the city of Winterset, in Madison county.

Also,

Senate File No. 112,

An act to incorporate Sioux City.

Also,

Senate File No. 69,

An act to amend the charter of the city of Council Bluffs.

Also,

Senate File No. 82,

An act to vacate a sub-division of land, by C. F. Conn, in Lee county.

Also,

Senate File No. 101,

An act to extend the corporate limits of the city of Oskaloosa.

Also,

Senate File No. 66,

An act fixing the salaries of the supreme and district judges of this State, and providing for their payment.

L. COOK,
Chairman.

On motion of Mr. McCrary,
The Senate adjourned.

TWO O'CLOCK, P. M.

Mr. McCulloch,

With leave, presented the petition of William R. Stewart and 5 others, citizens of Iowa, asking the repeal of chapter fifty-five of the acts approved February 17, 1847,

Which was read, and,

On his motion,

Was referred to the delegation from Lee county.

Mr. Thompson,

With leave, introduced

Senate File No. 170,

A bill for an act authorizing Samuel Douglass and his associates to erect a bridge across Cedar river in Benton county,

Which was

Read the first and second times, and

On his motion,

Was referred to the committee on Internal Improvements.

Mr. Saunders,

With leave, introduced

Senate File No. 171,

A bill for an act to amend an act entitled an act to incorporate the city of Mopnt Pleasant,

Which was

Read the first and second times, and

On his motion,

The eleventh rule was suspended,

The bill read the third time,

Passed and the title agreed to.

HOUSE BILLS ON THEIR FIRST READING.

House File No. 221,

A bill for an act to incorporate the city of Camanche,

Which was

Read the first and second times, and

On motion of Mr. Cattell,
Was referred to the committee on Incorporations.

House File No. 220,
A bill for an act entitled an act to incorporate Clinton City, in Clinton county Iowa,

Was
Read the first and second times, and,
On his motion,
Referred to the committee on Incorporations.

House File No. 141,
A bill for an act to incorporate the city of Fort Des Moines, in Polk county, was

Read a first and second times, and,
On motion of Mr. Jordan,
Referred to the committee on incorporations.

House File No. 227,
A bill for an act to change the name of the town of Jefferson,

Was
Read the first and second times, and
On motion of Mr. Warner,
The eleventh rule was suspended,
The bill read the third time,
Passed, and title agreed to.

House File No. 226,
A bill for an act to locate a state road, was

Read a first and second times, and
On motion,
Referred to the committee on Roads.

House file No. 236,
A bill for an act to change the name of Jorgen Ziuolner, of Mitchell county, to Jorgen Solner.

Which was
Read the first and second times, and
On motion of Mr. Birge,
The eleventh rule was suspended, and
The bill read a third time,
Passed and the title agreed to.

House File No. 217,

A bill for an act to re-locate a part of the State road from Muscatine to Iowa City.

Which was

Read the first and second times, and

On motion of Mr. Wilkinson,

Referred to the committee on Roads.

House File No. 222,

A bill for an act amendatory to the act incorporating the city of Muscatine.

Which was

Read a first and second times, and

On motion of Mr. Wilkinson,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Message from the House,

By Mr. Logan, Chief Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the following bills, in which the concurrence of the Senate is asked:

House File No. 24,

A bill for an act requiring the plat of the town of Newton to be placed on record.

Also,

House File No. 130,

A bill for an act fixing the salaries of the Governor and state officers of the state of Iowa.

Also,

House File No. 246,

A bill for an act to incorporate the city of Washington.

Also,

House File No. 258,

A bill for an act to vacate the public square in Freeman, and donate the same to Floyd county, for certain purposes.

I am further directed to inform the Senate that the House has passed, without amendment,

Senate File No. 5,

A bill for an act regulating appeals from justices in criminal cases.

J. W. LOGAN,

Clerk.

House File No. 155,

A bill for an act in relation to the county funds and the manner of drawing the same from the county treasurer, was

Read the first and second times, and

On motion of Mr. Test,

The eleventh rule was suspended, and

The bill read a third time.

Passed and the title agreed to.

House File No. 128,

A bill for an act to amend the charter of the city of Burlington,

Which was

Read a first and second times, and

On motion of Mr. Coolbaugh,

Referred to the delegation from Des Moines county.

House File No. 203,

A bill for an act to amend section 38 of chapter 106 of the laws of the Fourth General Assembly of the State of Iowa,

Which was

Read the first and second times, and,

On motion of Mr. Brown,

The eleventh rule was suspended,

The bill read the third time,

Passed and the title agreed to.

House File No. 213,

A bill for an act fixing the time of holding courts in the first judicial district,

Which was

Read the first and second times, and

On motion, was

Ordered to be engrossed and read a third time to-morrow.

House File No. 206,

A bill for an act fixing the times of holding courts in the sixth judicial district,

Was read the first and second times, and

On motion of Mr. McPherson, was

Referred to the Senators from the sixth judicial district.

House File No. 210,

A bill for an act fixing the time of holding courts in the ninth judicial district,

Which was

Read the first and second times, and,

On motion of Mr. Warner,

Was referred to the Senators from the ninth judicial district.

House File No. 174,

A bill for an act to authorize the McGregor, St. Peters and Missouri River Railroad Company to accept a grant of land, &c.

Which was

Read the first and second times, and

On motion of Mr. Brigham,

Referred to the committee on Railroads.

House File No. 178,

A bill for an act to incorporate the town of Newton, in Jasper county,

Which was

Read a first and second times, and

On motion of Mr. Test,

Referred to the committee on Incorporations.

House File No. 158,

A bill for an act to authorize the city of Dubuque to subscribe to the capital stock of the Dubuque, St. Peters and St. Paul Railroad company,

Which was

Read the first and second times, and,

On motion of Mr. Stewart,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

House File No. 118,

A bill for an act allowing fees to the clerk of the supreme and district courts in certain cases,

Which was

Read the first and second times, and,

On motion of Mr. Test,

Was referred to a select committee of three.

The President

Appointed Senators Test, Thompson and Trimble said committee.

House File No. 157,

A bill for an act to amend an act entitled an act to incorporate the town of Guttenburg,

Which was

Read the first and second times, and,

On motion of Mr. Cleaver,

Was referred to the committee on Incorporations.

Message from the House of Representatives,

By Mr. Hepburn, Assistant Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following bills, in which the concurrence of the Senate is asked :

House File No. 254,

A bill for an act to legalize the acts of the commissioners who located the seat of justice in Floyd county.

Also,

House File No. 261,

A bill for an act to locate the county seat of Chickasaw county.

W. P. HEPBURN,

Ass't Clerk H. R.

House File No. 151,

Joint resolution for additional mail facilities,

Which was

Read the first and second times, and,

On motion of Mr. Birge,

The eleventh rule was suspended,
The resolution read a third time,
And passed, and the title agreed to.

House File No. 122,

A bill for an act to amend chapter sixty two of the code and to close up assignments for the benefit of creditors,

Which was

Read a first and second times, and,

On motion of Mr. Thompson,

The bill was amended by striking out, in the first section, the words "usual place of residence,"

And inserting—

"Post office address, if known, and if not known, this shall be a sufficient excuse for not sending such notice, by the publication aforesaid."

On motion of Mr. McCrary,

The bill was

Referred to the Judiciary committee.

On motion of Mr. Neal,

Mr. Thompson was added to the committee for the special purpose of the bill aforesaid.

House File No. 199,

An act fixing the times of holding courts in the eighth judicial district.

Which was

Read the first and second times, and,

On motion of Mr. Wilkinson,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

House file No. 239,

A bill for an act to fix the times of holding court in the fourth judicial district.

Which was

Read the first and second times, and

On motion of Mr. Foster,

Referred to the delegation from the fourth judicial district.

House File No. 72,

A bill for an act supplemental to an act approved July 14th, 1856,
in relation to a grant of land for railroad purposes.

Which was

Read the first and second times, and

On motion of Mr. Brigham,

The bill was

Referred to the committee on Railroads.

House File No. 255,

An act to amend chapter 8 of the acts of the Fifth General Assembly.

Which was

Read the first and second times, and

On motion of Mr. Loughridge,

The bill was

Referred to the committee on the Judiciary.

House File No. 156,

An act to authorize the selection of grand and petit jurors, in Mills county.

Which was

Read the first and second times, and

On motion of Mr. Test,

Referred to a select committee.

The President

Appointed Senators Test, Trimble and Dale, said committee.

House File No. 150,

A joint resolution for additional mail facilities,

Which was

Read a first and second times, and

On motion of Mr. Carter,

The 11th rule was suspended, and

The bill read the third time,

Passed and the title thereof agreed to.

House File No. 144,

A bill for an act to incorporate Lithopolis University,

Which was

Read the first and second times, and,

On motion of Mr. Trimble,
Was referred to the committee on Incorporations.

House File No. 153,
A bill for an act changing a part of the state road running from Fairview, in Jones county, to Pioneer, Grove, in Cedar county,
Which was
Read the first and second times, and
On motion of Mr. Birge,
The eleventh rule was suspended,
The bill read the third time,
Passed and the title agreed to.

House File No. 1,
An act to create school district No. 5 out of parts of Washington township, Dubuque county, and Otter Creek township, Jackson county, Iowa,
Which was
Read the first and second times, and,
On motion of Mr. Trimble,
Was referred to the delegation from Dubuque and Jackson counties.

House File No. 209,
A bill for an act to change a certain state road in Appanoose county,
Which was
Read the first and second times, and
On motion of Mr. Trimble,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

House File No. 218,
A bill for an act authorizing the administrator of the estate of Henry M. Becson to perform certain acts,
Which was
Read the first and second times, and,
On motion of Mr. McPherson,
Was referred to a select committee.

The President

Appointed Senators McPherson, Cattell and Grinnell said committee.

House File No. 224,
An act relating to school and university lands and school funds,
Which was
Read a first and second times, and,
On motion of Mr. Trimble,
Was referred to the committee on Schools.

Mr. Trimble
Was added to the committee for the purposes of the bill.

House File No. 232,
A bill for an act to amend the charter of the city of Keokuk.
Which was
Read the first and second times, and
On motion of Mr. Brigham,
Referred to the Senators from Lee county.

Mr. Jenkins,
From the select committee to whom was referred
Senate File No. 58,
A bill for an act to protect game.
Reported the same back to the Senate,
And recommended its passage.

Mr. Neal
Moved to indefinitely postpone the bill.

Mr. Trimble
Offered the following amendment, as an additional section:
"That if any person shall at any season of the year kill any game enumerated in this act, with intent to take the same out of the State, or knowing that others intend to take such game out of the State, to be sold at markets out of the State; he shall, on conviction thereof, be fined in a sum not exceeding twenty dollars.
"If any person employ another, or others, to kill any game at any season of the year, with intent to take (or cause to be taken) such game out of the State, such person, on conviction thereof, shall be punished by imprisonment in the county jail, not exceeding three months, or fined, in any sum not more than \$300."

The amendment was lost.

The question being

On the indefinite postponement of the bill,

The yeas and nays were demanded,

And were as follows:

The yeas were—

Senators Cleaver, Dale, Hogan, Jordan, Loughridge, McCrary, McPherson, Neal, Test, Warner—10.

The nays were—

Senators Anderson, Atkins, Brigham, Brown, Birge, Carter, Cattell, Coolbaugh, Cook, Foster, Grinnell, Jenkins, Kirkwood, McCulloch, Ramsay, Reed, Rusch, Saunders, Stewart, Thompson, Trimble, Wilkinson, Mr. President—25.

Motion lost.

Mr. Cattell

Moved to strike out in section first the words "prairie chickens,"
Which motion was lost.

Mr. Ramsay

Moved to strike out the words "July," in the first section, and insert "Augst,"
Which motion was lost.

Mr. Anderson

Moved to strike out "fifteenth of July," and insert, "first of August,"
Which motion was lost.

Mr. Kirkwood

Moved to strike out the word "February," and insert "January" in the first section,
Which motion was lost.

Mr. Foster

Moved to strike out "February," and insert "15 of January,"
Which motion was lost. •

Mr. Ramsay

Moved to strike out "February," and insert "March,"
Which motion was lost.

Mr. Test

Offered the following amendment to the second section of the bill,

Which was not adopted, to wit :

“Provided, that any person may kill any of the game mentioned in this act, for their own use.”

The question being,

On ordering the bill to be engrossed for a third reading,

The yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brigham, Brown, Birge, Carter, Coolbaugh, Cook, Foster, Grinnell, Jenkins, Kirkwood, Matthews, McCoy, McCulloch, Ramsay, Reed, Rusch, Saunders, Stewart, Thompson, Wilkinson, Mr. President—23.

The nays were—

Senators Cattell, Cleaver, Dale, Hogan, Jordan, Loughridge, McCrary, McPherson, Neal, Test, Trimble, Warner—12.

On motion of Mr. Ramsay,

The rule was suspended, and Mr. Neal was allowed to record his vote.

The bill was ordered to be engrossed for a third reading.

On motion of Mr. Brigham,

The Senate adjourned.

SENATE CHAMBER, }
Jan. 16—9 A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS AND REMONSTRANCES.

Mr. McCrary

Presented the petition of Jonathan Wolgamot and others of Van Buren county, asking for a new election precinct &c.,

Which was read, and,

On his motion,

Was referred to the committee on Elections.

Mr. Rusch

Presented the petition of Austin Corbin and 103 others, asking for the repeal of the prohibitory liquor law,

Which, on his motion,

Was laid on the table.

Mr. Cleaver

Presented the petition of W. W. Garner and 47 others, on the subject of procuring rifles for a uniform volunteer company,

Which was,

On his motion,

Referred to the committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. Foster,

From the Committee on Engrossed Bills, reported

Senate File No. 105,

As correctly engrossed.

Mr. Foster,

From the committee on Agriculture, to whom was referred

Senate File No. 168,

A bill for an act to provide for fixing the weight of sand and time,

Reported the same back,

And recommended its passage,

Which was adopted,

And the bill

Ordered to be engrossed and read a third time to-morrow.

Mr. Grinnell,

From the committee on schools, to whom was referred

Senate File No. 67,

A bill for an act requiring the state treasurer to loan five thousand dollars of the five per cent fund to the central university,

Reported a substitute therefor, and recommended its adoption.

Mr. Test

Moved that the further consideration of the bill and substitute be indefinitely postponed,

On which question

The yeas and nays were demanded, which were as follows

The yeas were—

Senators Anderson, Birge, Cattell, Cleaver, Coolbaugh, Dale, Foster, Hogan, Kirkwood, Matthews, McCoy, McCrary, McPherson, Stewart, Test, Trimble, Wilkinson, Mr. President—19.

The nays were—

Senators Atkins, Brown, Carter, Cook, Grinnell, Jenkins, Jordan, Loughridge, McCulloch, Neal, Ramsay, Reed, Rusch, Saunders, Thompson—15.

The question was decided in the affirmative.

Mr. McPherson,

From the select committee to whom was referred

House File No. 206,

A bill for an act fixing the times of holding courts in the 6th judicial district,

Reported the same back to the Senate,

With amendments,

Which were adopted, and the bill ordered to be read a third time to-morrow

Mr. Anderson,

From the committee on the judiciary, to whom was referred
Senate File No. 160,

A bill for an act repealing sections three and four, chapter 67, of
the session laws of 1855,

Reported the same back to the Senate, with a recommendation
that its further consideration be indefinitely postponed,

Which report was not concurred in; and

On motion of Mr. Thompson,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Anderson,

From the committee on the judiciary, to whom was referred the
Petition of W. C. Smith and others, asking authority for Lydia
Allmon to sell and dispose of dower,

Reported the same back to the Senate, and

On his motion,

It was laid on the table.

Message from the House,

By Mr. Logan, Chief Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the
following bills, in which the concurrence of the Senate is asked :

House File No. 245,

A bill for an act to locate a state road in Johnson, Iowa and Ben-
ton counties.

Also,

House File No. 265,

A bill for an act to locate a certain state road therein named.

Also,

House File No. 268,

A bill for an act to locate a state road from Fort Madison to Mon-
trose.

Also,

House File No. 269,

A bill for an act to locate a state road from Osage to Algona.

Also,

House File No. 270,

A bill for an act to vacate a part of the public square in the village of Osage.

Also,

House File No. 271,

A bill for a state road from Newton to Taylorsville.

Also,

House File No. 274,

A bill for a state road from West Union to Clarksburgh.

I am further directed to inform the Senate that the House has passed—without amendment—the following Senate Files:

Senate File No. 153,

A bill for an act to change the name of Robert William Thorner.

Also,

Senate File No. 154,

Memorial of the State of Iowa, for the repeal of the duty on sugar and molasses.

Also,

Senate File No. 155,

Memorial of the General Assembly of the State of Iowa, in favor of the Pacific Railroad.

Also,

Senate File No. 156,

Preamble and resolutions in favor of a repeal of the duty on railroad iron.

Also,

Senate File No. 161,

Joint resolution for increased mail facilities.

Also,

Senate File No. 165,
Joint resolution for additional mail facilities.

I am further directed to inform the Senate that the House has passed—with amendments

Senate File No. 144,

A bill for an act supplemental to an act providing for a Recorder's office in the city of Keokuk.

Also,

Senate File No. 167,

A bill for an act authorizing the re-survey of a state road in Keokuk county.

J. W. LOGAN,
Clerk.

Mr. Saunders,

From the committee on Ways and Means, to whom was referred

Senate File No. 162,

Joint resolution in relation to delinquent State taxes,

Reported the same back,

And recommended its passage.

On motion of Mr. Jenkins,

The first resolution was amended by striking out the words

"Due and unpaid,"

And inserting in lieu thereof the words,

"Collected and not paid over."

The joint resolutions were then

Ordered to be engrossed, and read a third time to-morrow.

Mr. Matthews,

From the committee on incorporations, to whom was referred

House File No. 221,

A bill for an act to incorporate Camanche,

Reported the same back,

With one amendment,

Which was

Concurred in by the Senate, and,

On his motion,

The eleventh rule was suspended,
The bill read the third time,
Passed and the title agreed to.

Mr. Matthews,
From the same committee, to whom was referred
Senate File No. 157,
A bill for an act to incorporate the city of St. Charles,
Reported the same back,
With one amendment,
Which was
Concurred in by the Senate, and,
On his motion,
The eleventh rule was suspended,
The bill read the third time,
Passed, and title agreed to.

Mr. McCrary,
From the committee on Charitable Institutions, to whom was referred
Senate File No. 89,
A bill for an act to locate a permanent Institution for the Blind at
Knoxville,
Reported the same back to the Senate,
With the recommendation that its further consideration be indefinitely postponed, when,
On motion of Mr. Saunders,
The bill was laid on the table.

Mr. McPherson,
From the select committee to whom was referred
House File No. 218,
A bill for an act authorizing the administrator of Henry M. Beeson to perform certain acts,
Reported the same back, with the recommendation that it pass, when,
On his motion,
The eleventh rule was suspended, and
The bill read a third time.
Passed and the title agreed to.

Mr. Cleaver,
From the select committee to whom was referred
Senate File No. 155,
A bill for an act concerning the Iowa Medical College,
Reported the same back, with a recommendation that it pass,
and,

On his motion,
The eleventh rule was suspended,
The bill read the third time,
Passed and the title agreed to.

Mr. McCrary,
From the committee on Charitable Institutions, to whom was referred

Senate File No. 60,
A bill for an act to locate and establish a deaf and dumb asylum,

Reported the same back, with a recommendation that its further consideration be indefinitely postponed.

Mr. McPherson,
Offered a substitute for the bill,
Which was read,
When,
On motion of Mr. Carter,
The bill and substitute were laid on the table.

Mr. Anderson,
From the committee on the judiciary, to whom was referred
Senate File No. 16,
A bill for an act to separate the financial from the educational duties of the superintendent of public instruction,
Reported the same back with a recommendation that its further consideration be indefinitely postponed,

Which report
Was concurred in by the Senate, and
The further consideration of the bill indefinitely postponed.

Mr. Anderson,
From the same committee, to whom was referred
Senate File No. 146,
A bill for an act amendatory of chapter 196 of the code,

Reported the same back,
With a recommendation that its further consideration be indefinitely postponed,
Which report
Was concurred in by the Senate, and the further consideration of the bill indefinitely postponed.

Mr. Atkins,
From the committee on Roads, to whom was referred
Senate File No. 127,
A bill for an act to amend chapter 48 of the acts of 1852-3, relating to supervisors of roads,
Reported the same back to the Senate, with sundry amendments, and recommended their adoption, when,
On motion of Mr. Anderson,
The bill and amendments were laid on the table, and made the special order of the Senate on Monday evening next, at 7 o'clock.

Mr. Andersen,
From the committee on the Judiciary, to whom was referred
Senate File No. 11,
A bill for an act to regulate dower,
Reported a substitute therefor,
And recommended its adoption.

Mr. Thompson
Moved to add the following to the first section :
Provided that the widow shall be a preferred creditor for that amount, when,
On motion of Mr. Jenkins,
The bill and amendment were laid on the table,
And made the special order for Tuesday next at 2 o'clock, P. M.

Mr. Matthews,
From the committee on Incorporations, to whom was referred
Senate File No. 159,
A bill for an act to incorporate Albia, in Monroe county,
Reported the same back,
With one amendment,
Which was
Concurred in by the Senate, and,
On his motion,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred

House File No. 77,

A bill for an act to repeal chapter 61 of the acts of the Fourth General Assembly,

Reported the same back,

With a recommendation that its further consideration be indefinitely postponed, when,

On motion of Mr. McPherson,

The bill was laid on the table,

And made the special order for Tuesday next at 2 o'clock, P. M.

Mr. Grinnell,

From the committee on Schools, to whom was referred

The report of the commissioners appointed to revise the school laws of Iowa,

Reported

Senate file No. 172,

A bill for an act for the public instruction of the State of Iowa.

Which was read, and

On motion of Mr. Grinnell,

Made the special order of the Senate for to-morrow at two o'clock, P. M.

Mr. Ramsay

On leave, offered the following:

Resolved, That the Secretary of State be instructed to have one thousand copies of the report of the Commissioner of the Des Moines River Improvement, printed for the use of the General Assembly.

Mr. Coolbaugh

Moved to amend the resolution by adding thereto the following:

Provided, That said printing shall be done, and laid upon the tables of members before the adjournment of the General Assembly.

Mr. Thompson

Moved that the resolution and amendment be laid upon the table, upon which question

The yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brown, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Hogan, Jenkins, Kirkwood, Matthews, McCoy, Reed, Saunders, Stewart, Test, Thompson, Wilkinson—20

The nays were—

Senators Brigham, Birge, Coolbaugh, Jordan, Loughridge, McCrary, McCulloch, McPherson, Neal, Ramsay, Rusch, Trimble, Warner, Mr. President—14.

The resolutions and amendment were laid on the table.

The President

Laid before the Senate a communication from the Secretary of State,

Which was,

On motion of Mr. Test,

Laid on the table.

Mr. Foster,

From the select committee to whom was referred

House File No. 239,

A bill for an act to define the times of holding courts in the fourth judicial district

Reported the same back to the Senate, with one amendment, which was concurred in by the Senate, when,

On his motion,

The eleventh rule was suspended,

The resolution read a third time,

And passed, and the title agreed to.

On motion of Mr. Coolbaugh,

House File No. 213,

A bill for an act fixing the times of holding courts in the 1st judicial district,

Was taken up, and

On his motion,
Read the third time,
Passed, and its title agreed to.

On motion,
The Senate adjourned.

TWO O'CLOCK, P. M.

Senate Files Nos. 130, 124, 118, 103, 141, 112, 69, 82, 101 and 66,

Having been signed by the Speaker of the House and President of the Senate, was placed in the hands of the enrolling committee, to be presented to the Governor.

Mr. Warner

Had leave to introduce

Senate File No. 173,

A bill for an act to vacate certain alleys in the town of Leon, De-catur county,

Which was

Read the first and second times, and

On his motion,

The eleventh rule was suspended, and

The bill read a third time,

Passed and the title agreed to.

Mr. Brigham

Had leave to present a petition from J. Leas, M. D., and 1,500 others, asking for the repeal of the present prohibitory liquor law.

The petition was,

On motion of Mr. Brigham,

Laid on the table.

Senate File No. 140,

A bill for an act for the suppression of intemperance,

Being the special order,

The Senate,

On motion of Mr. Anderson,

Resolved itself into a committee of the Whole, for its consideration.

Mr. Cook in the chair.

Message from the House of Representatives,

By Mr. Logan, Chief Clerk.

MR. PRESIDENT :

The House has passed the following bills, and asks the consent of the Senate in the same :

House File No. 197,

A bill for an act creating the county of Humboldt.

Also,

House File No. 260,

A bill for an act locating a state road.

Also,

House File No. 244,

A bill for an act to authorize the Judge of Jefferson county to have the surveys of said county transcribed and indexed.

Also,

House File No. 238,

Joint resolution for additional mail facilities.

Also,

House File No. 243,

Joint resolution for additional mail facilities.

Also,

House file No. 241,

A bill for an act to vacate part of a territorial road in Lee county.

Also,

House File No. 192,

A bill for an act changing the name of New Haven, in Buchanan county.

Also,

House File No. 211,

A bill for an act to vacate a state road running from the Missouri river to Fort Des Moines.

Also,

House File No. 71,

A bill for an act to establish a branch of the State University at or near Glenwood, Mills county.

Also,

House File No. 196,

A bill for an act to change the name of Pierce township, Jones county, to that of Wyoming.

Also,

House File No. 229,

A bill for an act requiring the school fund commissioners of the State to file a copy or transcript of the school lands, &c.

Also,

House File No. 234,

A bill for an act to establish a state road from Osage, in Mitchell county, via Glenmary and Bristol, to the state line in Worth county.

Also,

House File No. 278,

A bill for an act to organize school district No. 1, in Barclay township.

Also,

House File No. 279,

An act locating a state road from Camanche to Anamosa.

Also,

House File No. 185,

A bill for an act to amend an act entitled an act to incorporate the city of Davenport, and the several acts amendatory thereto.

Also,

House File No. 259,

A bill for an act to establish a state road from Dudsville to Brighton.

Also,

House File No. 216,

A bill for an act to locate a certain state road therein named.

J. W. LOGAN,
Clerk.

I am further directed to inform the Senate that the House has passed—without amendment—the following Senate Files:

Senate File No. 59,

A bill for an act to locate a State road from Clayton City to the Des Moines River.

Also,

Senate File No. 84,

A bill for an act legalizing the sale of school lands in Decatur county.

Also,

Senate File No. 143,

A bill for an act to vacate the town plat of Ivanhoe, in Linn county.

J. W. LOGAN,
Clerk.

The Committee,

After some time rose, and through their Chairman reported progress, and asked leave to sit again, this evening at 9 o'clock.

Leave granted.

On motion of Mr. Coolbaugh,

The Senate adjourned until 9 o'clock, to-morrow morning.

SENATE CHAMBER, }
 SATURDAY, JAN. 17th, 1857, 9 o'clock A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

Mr. Grinnell

Presented the petition of J. P. Allen and others, citizens of Mahakka county, asking to be attached to the county of Poweshick,

Which was read, and,

On his motion,

Referred to the committee on New Counties.

Mr. Atkins presented two petitions from citizens of Alamakee and Winneshick counties, asking for a certain state road,

Which was read, and,

On his motion,

Referred to the committee on Roads.

RESOLUTIONS AND NOTICES OF BILLS.

Mr. Grinnell,

Offered the following resolution :

Resolved, That the Secretary of the Senate be instructed to furnish twenty-four common chairs, to be placed outside of the bar of the Senate chamber,

On the passage of which resolution

The yeas and nays were demanded,

And were as follows :

The yeas were—

Senators Atkins, Brigham, Carter, Cleaver, Cook, Foster, Grinnell, Loughridge, McPherson, Rusch, Test, Trimble, Wilkinson

The nays were—

Senators Anderson, Brown Birge, Cattell, Coolbaugh, Dale, Hogan, Jordan, Matthews, McCoy, McCreary, McCulloch, Neal, Ramsay, Reed, Stewart, Thompson—18.

Resolution rejected.

Mr. Jordan

Had leave to introduce

Senate File No. 174,

A bill for an act to establish a state road from Rockville to Fort Des Moines,

Which was

Read a first and second times, and

On motion of Mr. Test,

Referred to the committee on Roads.

Mr. Ramsay

Had leave to introduce

Senate File No. 175,

A bill for an act to incorporate the city of Eddyville.

Which was

Read the first and second times, and

Referred to the committee on Incorporations.

The President

Laid before the Senate the following communication from the Governor.

EXECUTIVE OFFICE, }
JANUARY, 17TH, 1857. }

To the President of the Senate :

SIR—

The eleventh section of the bill entitled "An act to amend the charter of the city of Council Bluffs," (which I herewith return without approval), provides that "warrants may be issued for the violation of ordinances, by-laws, rules and regulations of said city, without being predicated or based upon affidavit." The terms are general, and include warrants for all purposes, whether issued for the person, for search, or for seizure. The fourth article of amendment to the Constitution of the United States, declares that "no warrants shall issue but upon probable cause, supported by oath or

affirmation, and particularly describing the place to be searched, and the person or things to be seized." The eighth article of the Bill of Rights of the State of Iowa, declares that "no warrant shall issue but on probable cause, supported by oath or affirmation." The section under consideration is manifestly in violation of both of these constitutional provisions. It is therefore returned without my approval.

Your Obt. Servt.,

JAMES W. GRIMES.

The question being,

Shall the bill pass the Senate, notwithstanding the veto of the Governor,

The vote was as follows :

The yeas were—

Senators 0.

The nays were—

Senators Anderson, Atkins, Brigham, Brown, Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jordan, Kirkwood, Loughridge, Matthews, McCrary, McCulloch, McPherson, Neal, Ramsey, Reed, Rusch, Stewart, Test, Thompson, Trimble, Wilkinson, Mr. President—31.

Mr. Test

Had leave to withdraw the bill.

Mr. McCulloch

Had leave to introduce

Senate File No. 176,

A bill for an act to encourage scientific and practical agriculture,
Which was

Read the first and second times, and

Referred to the committee on Agriculture.

Mr. Test

Had leave to introduce

Senate File No. 177,

Joint Resolution and Memorial for increased mail facilities.

Which was

Read the first and second times, and,

On his motion,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

Mr. Carter

Had leave to give notice of the introduction of a bill to authorize the county of Clayton to take stock in certain railroads.

Mr. Test

Had leave to give notice of the introduction of a bill for an act to authorize a state road from Brighton to Oskaloosa.

Mr. Matthews

Had leave to introduce

Senate File No. 168,

A bill for an act to increase the compensation of county surveyors,

Which was

Read the first and second times, and,

On his motion,

The eleventh rule was suspended, and

The bill read a third time.

On the passage of the bill,

Mr. Neal

Called for the yeas and nays,

Which were as follows :

The yeas were—

Senators Anderson, Brigham, Cattell, Grinnell, Matthews, McCulloch, McPherson, Rusch, Saunders, Test, Thompson, Mr. President—12.

The nays were—

Senators Atkins, Brown, Birge, Carter, Cleaver, Coolbaugh, Cook, Dale, Foster, Hogan, Jenkins, Kirkwood, Loughridge, McCoy, McCrary, Neal, Ramsay, Reed, Stewart, Trimble, Wilkinson—22.

Bill rejected.

Mr. Anderson

Had leave to introduce

Senate File No. 173,

A bill for an act to change the name of Bremen in Monroe county, to Savilla,

Which was .

Read the first and second times, and

On his motion,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Kirkwood

Had leave to introduce

Senate File No. 181,

Joint Resolution and Memorial to Congress for grant of lands for Iowa Union Railroad,

Which was

Read the first and second times, and

On his motion,

Referred to a special committee of three.

The Chair

Appointed Senators Kirkwood, Cook and Thompson, said committee.

Mr. Test

Had leave to introduce

Senate File No. 182,

A bill for an act to incorporate the city of Council Bluffs,

Which was

Read the first and second times, and

On motion of Mr. Test,

The eleventh rule was suspended,

The bill read the third time,

Passed and the title agreed to.

Mr. McCrary

Had leave to introduce

Senate File No. 185,

A bill for an act to create Fremont township, in Van Buren county,

Which was

Read the first and second times, and,

On his motion,

The 11th rule was suspended, and
The bill read the third time,
Passed and the title thereof agreed to.

Mr. Matthews,

From the committee on incorporations, to whom was referred,
Senate File No. 144,

A bill for an act to incorporate Lithopolis University,

Reported the same back to the Senate,

And recommended that the further consideration of the same be indefinitely postponed,

In which report the Senate concurred.

Mr. McPherson

From the committee on Elections, to whom was referred substitute for

House File No. 12,

A bill for an act to increase the number of voting places,

Reported the same back to the Senate,

With amendments, to-wit:

Strike out Section 5, and insert therefor:

At the first election held in any election district which has been created under the provisions of this act, the electors present before opening the polls of said election, shall elect three persons by ballot, as judges of election, who shall appoint the two clerks of election, the judges and clerks to be sworn as now provided by law, said judges to hold their offices until the April election following. At the April election, A. D. 1858, and annually thereafter, the qualified electors of any election district which may have been created under the provisions of this act, shall elect three persons as judges of all elections in said district, and said judges shall hold their offices for one year, and until their successors are elected.

Also,

Strike out Section 7 of the bill.

The amendments were concurred in by the Senate.

On motion of Mr. Thurston,

The first section was amended by adding the following:

"That all cities which may embrace more than one township, may be embraced within any poll or ward of said city, for election purposes."

The bill, as amended, was
Ordered to be engrossed and read a third time to-morrow.

Mr. Foster,

From the committee on Engrossed Bills, made the following report:

MR. PRESIDENT:

The committee on Engrossed Bills report

Senate File No. 48,

An act for the permanent location of the Asylum for the blind.

Also,

Senate File No. 58,

An act to protect game.

Also,

Senate file No. 168,

An act fixing the weight of lime and sand.

FOSTER,

Chairman

Mr. Cook,

To whom was referred

Senate File No. 145,

A bill for an act to regulate insurance companies within this State,

Reported the same back to the Senate,

And recommended additional sections one, two and three of the bill,

And to strike out sections ten and eleven of the bill.

Amendments of the committee concurred in.

On motion,

The words Keokuk, Davenport and Dubuque were struck out and the words such cities where said companies are established, inserted.

The bill, as amended, was

Ordered to be engrossed and read a third time to-morrow.

Mr. Saunders,

From the committee on Ways and Means, to whom was referred
Senate File No. 133,

A bill for an act to fix the compensation of the Attorney General,

Reported the same back,

And recommended the following amendment:

Strike out all in section one which is after the words "such courts,"
and insert "to be certified to by the presiding Judge,"

Which amendment was concurred in,

And the bill

Ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Brigham,

Senate File No. 45,

A bill for an act relating to the Hydraulic Company of the Mississippi Rapids,

Was taken from the table.

On motion of Mr. Brigham,

The bill was amended as follows:

Provided, however, that said company shall not obstruct the navigation of the Mississippi river by lighters or crafts towed by horses or otherwise.

The bill, as amended, was

Ordered to be engrossed and read a third time to-morrow.

Mr. Matthews,

From the committee on Incorporations, to whom was referred

Senate File No. 142,

Reported the same back to the Senate,

And recommended its passage.

The eleventh rule was suspended,

The bill read the third time,

Passed and the title agreed to.

Mr. Stewart,

From the special committee to whom was referred a petition of citizens of the town of Burrington,

Reported by bill

Senate File No. 184,

A bill for an act to change the name of the town of Burrington to Manchester,

The bill was
Read the first and second times, and
On his motion,
The eleventh rule was suspended,
The bill read the third time,
Passed, and title agreed to.

Mr. Matthews,
From the committee on Incorporations, to whom was referred
House File No. 157,
A bill for an act to incorporate Guttenberg,
Reported the same back to the Senate,
And recommended its passage.
The eleventh rule was suspended, and
The bill read a third time.
Passed and the title agreed to.

Mr. Grinnell,
From the committee on Schools, to whom was referred a petition
of certain citizens of Van Buren county,
Reported by bill,
Senate File No. 185,
A bill for an act to establish a school district in Van Buren town-
ship, Van Buren county,
Which was
Read the first and second times, and
On motion,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

Mr. Atkins,
From committee on County Boundaries, to whom was referred
Senate File No. 102,
A bill for an act to organize the county of Worth,
Reported the same back to the Senate,
With two amendments, to wit:

First amendment—
Strike out of Sec. first, the words, "east half."

Second amendment—

Strike out of Sec. seven, the words J. B. Long, of Cerro Gordo county," and insert "Dr. S. M. Cook, of Mitchell county,"

Which amendments were adopted, and

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Message from the House of Representatives,

By Mr. Hepburn, Assistant Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following concurrent resolution :

Resolved, (the Senate concurring,) That the House of Representatives will meet the Senate in the Hall of the House, on Tuesday next, at 2 1-2 o'clock P. M., for the purpose of electing a Senator in Congress, to serve during the term expiring on the 4th of March, 1861.

W. P. HEPBURN,
Ass't Clerk H. R.

On motion of Mr. Cleaver,

The Senate took up

Senate File No. 219,

A bill for an act for the relief of the medical department of the State University,

Which was

Read a first and second times, and

On his motion,

Referred to a special committee of three.

The Chair

Appointed Senators Cleaver, Matthews, and McCulloch said committee.

Mr. Cleaver

Presented a petition relating to the subject matter of

House File No. 219,

Which was,

On his motion,

Referred to the same special committee.

Mr. Brigham

Presented a memorial relating to the same subject,
Which was,

On his motion,
Referred to the same committee.

Mr. Matthews,

From committee on Incorporations, to whom was referred
House File No. 220,

Reported the same back to the Senate, and recommended its passage.

On motion

The bill was amended—

“Providing, the expense of publication shall not be by the state,”

The eleventh rule was suspended,

The bill read the third time,
Passed and the title agreed to.

Mr. Atkins,

From the committee on roads, to whom was referred
House File No. 15,

Reported same back to the Senate with an amendment, providing for its publication in the Iowa City Republican and Iowa Capital Reporter,

Which amendment was adopted, and
The eleventh rule suspended,
The bill read a third time,
Passed and the title agreed to.

Mr. Atkins,

From the committee on Roads, to whom was referred
Senate File No. 146,

Reported the same back to the Senate, and recommended that the further consideration thereof be indefinitely postponed.

On motion of Mr. Cattell,

The bill was laid upon the table, and made the special order for Monday, at 7 o'clock, P. M.

Mr. Kirkwood,

From the Judiciary committee to whom was referred

A Resolution of the Senate,
Reported by bill,
Senate File No. 186,
Joint resolution and memorial to Congress in relation to the five
per cent fund.

Which was
Read the first and second times, and,
On motion of Mr. Loughridge,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

Mr. Trimble,
From the special committee to whom was referred
Senate File No. 49,
Reported the same back to the Senate, and recommended its
passage.

On motion of Mr. Neal,
The bill was amended, to-wit:
The words "Knoxville Journal" were struck out, and "Demo-
cratic Standard" inserted.

On motion of Mr. Grinnell,
The bill was amended, to-wit:
"The publication without expense to the State."

On motion of Mr. Trimble,
The eleventh rule was suspended, and
The bill read a third time,
Passed and the title agreed to.

Mr. Brown,
From the committee on New Counties, to whom was referred
Senate File No. 26,
A bill for an act to repeal an act in relation to county seats,
Reported the same back to the Senate,
With a second substitute therefor.

On motion of Mr. Saunders,
The business before the Senate was suspended, and the Senate
took up for consideration the concurrent resolution of the House of

Representatives in relation to a joint convention for the election of a Senator to represent the State of Iowa in the Senate of the United States.

Mr. Saunders

Moved to amend the resolution by striking out the words "Tuesday next, at 2 1-2 o'clock, P. M.," and inserting "this, 17th of January, at 3 o'clock, P. M.,"

Which motion prevailed,

And the Senate concurred in the resolution as amended.

On motion of Mr. Trimble,

It was

Resolved, That a committee of three be appointed to report to the Senate the amount of mileage Senators are each entitled to receive.

On motion of Mr. Test,

The Senate adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

Senate File No. 26,

An act in relation to county seats

With substitutes therefor, was,

On motion of Mr. Thompson,

Laid on the table.

Message from the House of Representatives,

By Mr. Hepburn, Assistant Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has concurred in the resolution in relation to the election of a United States Senator.

W. P. HEPBURN,
Asst Clerk.

Mr. Thompson,
From the special committee to whom was referred
Senate File No. 181,
A joint memorial for a grant of land for the Iowa Union Railroad,
Reported the same back to the Senate,
With two amendments, to-wit:

First amendment:

On the fourth page, after the words "Cedar Rapids," insert "via Marion."

Second amendment:

Insert the following after the eleventh line of the third page, to-wit:

4. It would be of immense importance to the National Government in the transportation of the mails in the time of peace, and, as it would, in connection with the railroad which is being constructed from Mobile to the mouth of the Ohio river, form almost a continuous straight line of railroads from the extreme northern portion of our country to the extreme southern, it would be of equal service to the North and South by providing superior facilities for the transportation of troops and munitions of war for the National defence in times of foreign invasion or domestic insurrection.

The amendments were adopted.

On motion of Mr. Kirkwood,
The eleventh rule was suspended,
The memorial read the third time,
And passed, and the title agreed to.

Mr. Trimble,
From the committee to whom was referred
Senate File No. 120,
A joint memorial, asking Congress to make the Iowa Southern Railroad a branch of the Pacific Railroad,
Reported the same back to the Senate, with a substitute therefor, which substitute was adopted, and,
On motion of Mr. Trimble,
The eleventh rule was suspended,
The memorial read the third time,
Passed and the title agreed to.

Mr. Cattell

Had leave to introduce

Senate File No. 187,

A joint resolution and memorial, asking for a grant of lands to aid in the construction of certain railroads,

Which was

Read the first and second times, and

On his motion,

The eleventh rule was suspended,

The resolution and memorial

Was read a third time,

Passed and the titles agreed to.

Message from the House,

By Messrs. Dorland and Moore, who informed the Senate that the House of Representatives were ready to receive the Senate in joint convention, to elect a United States Senator, in pursuance to concurrent resolution.

On motion of Mr. Saunders,

Mr. Anderson was appointed teller on the part of the Senate.

On motion of Mr. Cleaver,

The Senate proceeded to the House of Representatives, in joint convention.

HALL OF HOUSE OF REPRESENTATIVES, }
January 17, 1857—3 o'clock, P. M. }

JOINT CONVENTION

OF THE SENATE AND HOUSE OF REPRESENTATIVES.

The President of the Senate,
Acting as President of the Joint Convention, and
The Clerk of the House,
Acting as Secretary of the Convention.

The President

Announced the General Assembly now convened in Joint Convention, for the purpose of electing a Senator to represent the State of Iowa, in the Senate of the United States, for the unexpired term, ending six years from and after the 4th day of March, A. D. 1855.

The Clerk

Called the roll of the Convention.

The following members were absent—

Messrs. Burris, Franklin, Green, Mordan, Lothian, Wilson of Webster and Wing.

On motion of Mr. Dorland,
The absentees were excused.

Nominations being in order,
Mr. Brigham nominated
William F. Coolbaugh, of Des Moines county,
Mr. Saunders nominated
James Harlan, of Henry county,

For the office of United States Senator, for the unexpired term, ending six years from and after March 4th, 1855.

No other nominations being made,

The Senate proceeded to a vote,

Which resulted as follows:

[Mr. Anderson appointed and acting as teller on the part of the Senate, and Mr. Wooden appointed and acting as teller on the part of the House of Representatives.]

Those voting for James Harlan, were—

Messrs. Anderson, Atkins, Arnold, Brown, Bailey, Bryson, Barner, Bigelow, Carter, Cattell, Cleaver, Cook, Clausen, Cloud, Copeland, Davis, Dorland, Edmundson, Foster, Fry, Grinnell, Gillett, Hogan, Hershberger, Holmes, Inskip, Jenkins, Jordan of Polk, Jones, Kirkwood, Kirkpatrick, Kurtz, Loughridge, Lewis, Matthews, McCoy, McCrary, McPherson, McFarland, Mills, Moer of Mills, Noble, Price, Perry, Reed, Rusch, Reeder, Richardson, Roberts, Rodman, Rogers, Saunders, Sawyer, Stanton, Thompson, Thomas, Toll, Wilkinson, Williams, Wilson of Mahaska, Wooden, Wright of Cedar, Mr. President—63.

Those voting for William F. Coolbaugh were—

Messrs. Brigham, Birge, Barker, Bottorf, Barner, Clark, Cort, Dale, Doud, Finney, Galbraith, Griswold, Gossage, Hardie of Dubuque, Hardy of Van Buren, Jordan of Marion, Larimer, Kelsay, McCulloch, McDow, Milliser, Mendenhall, Moore of Dubuque, Neal, Pease, Ramsay, Stewart, Scoville, Sullivan, Test, Thurston, Trimble, Van Valkenburgh, Warner, Wyatt—35.

Mr. Coolbaugh

Voted for W. T. Barker—1.

Mr. James Harlan, of Henry county,

Having received a majority of all the votes cast, was declared duly elected a Senator to represent the State of Iowa in the Senate of the United States for the unexpired term ending six years from and after the fourth day of March, A. D., 1855.

The certificates of election,

Having been duly made out and signed by the President of the Senate, and the Speaker of the House of Representatives, and attested by the Tellers, in the presence of the General Assembly, were read and approved.

On motion of Mr. Saunders,
The Convention adjourned,
And the Senate returned to the Senate Chamber.

Mr. Thurston
Had leave to introduce
Senate File No. 188,
A bill for an act in relation to the apprentice and master,
Which was
Read a first and second times, and
On motion of Mr. Cleaver,
The further consideration of the bill was indefinitely postponed.

BILLS ON THEIR FIRST READING.

House File No. 194,
A bill for an act to establish certain state roads, therein
named,
Which was
Read the first and second times, and
On motion of Mr. McCrary,
The eleventh rule was suspended,
The bill read the third time,
Passed and the title agreed to.

Mr. Jenkins
Had leave to introduce
Senate File No. 191,
A bill for an act to authorize Otis A. Holmes to sell certain lands,
Which was
Read the first and second times, and
On his motion,
Referred to the committee on the Judiciary.

On motion of Mr. Loughridge,
Senate File No. 172,
A bill for an act for the public instruction of Iowa,
Was made the special order for Monday morning at 10 o'clock

Mr. Neal
Had leave to introduce
Senate File No. 190,

A bill for an act to authorize the county judge of Marion county to build a court house in Knoxville,

Which was

Read the first and second times.

Mr. Loughridge

Moved to refer the bill to the committee on New Counties.

Motion lost.

On motion of Mr. Neal,

The eleventh rule was suspended,

The bill read the third time,

Passed, and title agreed to.

House File No. 193,

An act to vacate part of a State road therein named.

Which was

Read a first and second times, and,

On motion of Mr. McCrary,

The eleventh rule was suspended,

The bill read a third time,

Passed, and its title agreed to.

Mr. Coolbaugh

Had leave to present

A petition from J. P. Cutler,

Which was referred to the committee investigating the affairs of the Superintendent of Public Instruction, and other officers.

Mr. Cleaver

Had leave to introduce

Senate File No. 191,

A bill for an act to incorporate Burris, in Louisa county Iowa,

Which was

Read a first and second times, and

On his motion,

Referred to the committee on Incorporations.

Mr. Anderson

Had leave to present a petition from J. B. Pease and 50 others, asking for a law legalizing the sale of certain real estate therein named.

The petition was,
On motion of Mr. Anderson,
Referred to the Judiciary committee.

Mr. Anderson

Also had leave to present a petition from W. M. Allison, asking
for a law relating to fences,
Which was,
On his motion,
Referred to the committee on Agriculture.

BILLS ON THEIR FIRST READING

House File No. 180,
A bill for an act to legalize the organization of Howard county,
Which was
Read the first and second times, and
On motion,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

Message from the House of Representatives,
By Mr. Logan, Chief Clerk.

MR. PRESIDENT.

I am directed to inform the Senate that the House has passed
the following bills, in which the concurrence of the Senate is
asked:

House File No. 282,

A bill for an act fixing the times of holding court in the second ju-
dicial district.

Also,

House File No. 287,

A bill for an act locating a state road from Fayetteville, in Fay-
ette county, to Osage, in Mitchell county.

Also,

House File No. 294,

A bill for an act to amend chapter twelve of session laws of fifth
General Assembly.

Also,

House File No. 288,

A bill for an act for a state road from Cedar Falls to Forest City.

Also,

House File No. 233,

A bill for an act in relation to the swamp lands of this state.

Also,

House File No. 292,

A bill for an act to incorporate the town of Centerville.

This bill was returned by the Governor with objections to section eleventh, which section has been stricken out by the House.

Also,

House File No. 297,

A bill for an act to vacate certain alleys in the town of West Point.

I am further directed to inform the Senate that the House has passed—without amendment—the following Senate Files:

Senate File No. 173,

A bill for an act to vacate certain alleys in the town of Leon, Decatur county, Iowa.

Also,

Senate File No. 182,

A bill for an act to amend the charter of the city of Council Bluffs.

I am further directed to inform the Senate that the House has passed a substitute for

Senate File No. 50,

A bill for an act authorizing private persons to serve writs of *quo warranto* and *mandamus*,

To which they ask the consent of the Senate.

J. W. LOGAN,
Clerk.

House File No. 164,

A bill for an act defining what shall constitute a copy of the field

notes of the original survey, as contemplated in section 112 of the Code,

The bill was
Read the first and second times, and
On motion of Mr. McPherson,
The eleventh rule was suspended,
The bill read the third time,
Passed, and title agreed to.

House File No. 181,

A bill for an act to change the name of Abbis Jane Reid to Abbis Jane Hielt,

Which was
Read the first and second times, and
On motion,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

House File No. 188,

Joint resolution for additional mail facilities,

Which was
Read the first and second times, and
On motion,
The eleventh rule was suspended,
The bill read the third time,
Passed and the title agreed to.

House File No. 131,

A bill for an act to amend section 211 of chapter 22 of the Code of Iowa,

Was read the first and second times, and
On motion of Mr. Loughridge, was
Referred to the committee on the Judiciary.

Substitute for

House File No. 168,
Joint resolution for additional mail facilities,
Which was
Read the first and second times, and,
On motion of Mr. Test,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

House File No. 100,

A bill for an act to amend the charter of Ottumwa,

Which was

Read the first and second times, and,

On motion of Mr. Ramsay,

The eleventh rule was suspended, and

The bill read a third time.

Passed and the title thereof agreed to.

House File No. 126,

A bill for an act to re-locate part of a State road,

Which was

Read the first and second times, and

On motion of Mr. Hogan,

The eleventh rule was suspended, and

The bill read a third time,

Passed and the title agreed to.

Message from the House of Representatives,

By Mr. Logan, Chief Clerk.

MR. PRESIDENT :

I herewith present, for your signature,

House Files Nos. 145, 148, 155, 120, 111, 105, 91 and 50,

The same having passed both branches of the General Assembly
—been duly enrolled by the Senate, and signed by the Speaker.

J. W. LOGAN,
Clerk.

Substitute for

House File No. 76,

A bill for an act regulating the licensing of showmen.

Which was,

Read a first and second times, and

On motion of Mr. Loughbridge,

Referred to the committee on the Judiciary.

Substitute for

House File No. 108,

A bill for an act authorizing and requiring the payment of certain moneys due the normal schools of Andrew and Oskaloosa.

Which was

Read the first and second times.

Mr. Neal

Moved to refer the bill to the committee on Ways and Means.

Motion lost.

On motion of Mr. Jenkins,

The eleventh rule was suspended, and

The bill read a third time.

The question being on the final passage of the bill,

Mr. Test

Called for the yeas and nays, when,

On motion of Mr. Brigham,

The bill was

Referred to the committee on Ways and Means,

With instructions to report an amendment for the repeal of the law making former appropriation out of the University fund for the same purpose.

Mr. Ramsay

Had leave to present

A petition from Michael Welch and 100 others,

Asking for the location of a certain State road, therein named.

Which was

Referred to the committee on Roads.

On motion of Mr. Test,

The Senate adjourned.

SENATE CHAMBER, }
JAN. 19th, 1857, 9 o'clock A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS.

Mr. Loughridge

Presented the petition of S. B. Matthews and 13 others, citizens of Mahaska county, asking a new school district,

Which was,

On motion of Mr. Longhridge,

Referred to the committee on Schools.

Mr. Dale

Presented the petition of R. W. Turner and 33 others, asking for a law establishing a state road from Afton to Lewis in Cass county,

Which was read, and was,

On his motion,

Referred to the committee on Roads.

NOTICE OF BILLS.

By Mr. Rusch,

Notice of a bill for an act to prevent illegal voting.

By Mr. Foster,

Notice of a bill for an act to repeal chapter 72 of the session laws of 1854-5.

By Mr. Cattell,

Notice of a bill for an act to authorize the town of Tipton to convey certain real estate.

Mr. Atkins

Had leave to introduce

Senate File No. 193,

A bill for an act to establish a certain state road,

Which was

Read a first and second times, and was,

On his motion,

Referred to the committee on Roads.

Mr. Brigham

Had leave to introduce

Senate File No. 194,

A bill for an act to legalize the acts Francis H. Wooten, Notary Public,

Which was

Read the first and second times, and,

On his motion,

The eleventh rule was suspended,

The bill read the third time,

Passed and the title agreed to.

Mr. Atkins

Had leave to introduce

Senate File No. 195,

A joint resolution and memorial for additional mail facilities,

Which was

Read the first and second times, and,

On his motion,

The eleventh rule suspended,

The bill read a third time,

Passed and the title agreed to.

REPORTS OF COMMITTEES.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred petition in relation to title to certain lands,

Reported by bill

Senate File No. 196,

A bill for an act to perfect the title of David Renoles in and to lot No. 12, in Albia, Monroe county,

Which was
 Read a first and second times, and,
 On motion,
 The eleventh rule was suspended,
 The bill read the third time,
 Passed and the title agreed to.

Mr. Foster,
 From the committee on Agriculture, to whom was referred
 Senate File No. 176,
 A bill for an act for the encouragement of scientific and practical
 agriculture,
 Reported the same back to the Senate,
 And recommended the following amendments:

First amendment—

In Sec. 3, strike out from words "he may," to "by him," inclusive, and insert the words—

"Commencing with one of the most populous counties of the state, and going through in order the most populous parts of the state first, and in other years visiting those counties not before passed through.

Second amendment—

In Sec. 7, strike out all after the words "technical terms."

Third amendment—

In Sec. 8, strike out "thirty-five hundred" and insert "two thousand."

Fourth amendment—

In Sec. 8, strike out "3000" and insert "1500."

The first and second amendments recommended by the committee were concurred in by the Senate.

Mr. Test

Moved to amend the third amendment of the committee by inserting "2500,"

Which motion was lost.

The question being
 (On the amendments of the committee,
 The yeas and nays were demanded,
 Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brown, Cattell, Cleaver, Coolbaugh, Cook, Foster, Grinnell, Jenkins, Kirkwood, McCoy, McCreary, McPherson, Neal, Ramsey, Rusch, Saunders, Stewart, Thompson, Mr. President—21.

The nays were—

Senators Brigham, Brown, Birge, Carter, Dale, Hogan, Jordan, Loughridge, McCulloch, Reed, Test, Thurston, Trimble, Warner, Wilkinson—14.

Amendments of the committee adopted.

The fourth amendment of the committee was concurred in, and the bill ordered to be engrossed, and read a third time to-morrow.

Mr. Thompson,

Had leave to introduce

Senate File No. 197,

A bill for an act to change the number of a block in Benton City.

Which was

Read a first and second times, and

On his motion,

Referred to the committee on the Judiciary.

On motion of Mr. Cook,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Matthews

Had leave to introduce

Senate File No. 198,

A bill for an act to establish a recorder's office in Lyons city.

Which was
Read a first and second time, and
On his motion,
The 11th rule was suspended, and
The bill read the third time,
Passed and the title agreed to.

On motion of Mr. Foster,
The vote by which
Senate File No. 176,
Was ordered to be engrossed for a third reading,
Was re-considered.

On motion of Mr. Foster,
The blank in the first section was filled by inserting—
“The trustees of the State University.”

The bill was
Ordered to be engrossed for a third reading.

On motion of Mr. Grinnell,
The Senate adjourned until half past three o'clock.

HALF PAST THREE O'CLOCK, P. M.

Mr. Atkins
Had leave to introduce
Senate File No. 199,
An act to attach the counties of Hancock and Winnebago to the
county of Cerro Gordo for certain purposes,
Which was
Read the first and second times, and,
On motion of Mr. Grinnell,
Was referred to the Senator from Alamakee county.

Mr. Matthews,
From the committee on Incorporations, to whom was referred

Senate file No. 174,

A bill for an act to incorporate Maquoketh, in Jackson county,

Reported the same back to the Senate,

And recommended its passage.

On motion of Mr. Matthews,

The eleventh rule was suspended,

The bill read the third time,

Passed and the title agreed to.

Mr. McCoy,

From the select committee to whom was referred

A certain petition from the citizens of Cerro Gordo county,

Reported by bill

Senate File No. 200,

A bill for an act to locate the county seat of Cerro Gordo county,

Which was

Read a first and second times, and

On motion of Mr. Thompson,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Brown,

From the select committee to whom was referred

A petition from citizens of Boone county,

Reported by bill

Senate File No. 201,

A bill for an act legalizing the sale of certain lands,

Which was

Read the first and second times and

On motion of Mr. Thompson, was

Referred to the committee on the Judiciary.

Mr. Rusch

Had leave to introduce

Senate File No. 202,

A bill for an act to preserve the purity of the ballot-box,

Which was

Read the first and second times, and,

On his motion,

Was referred to the committee on Elections.

Mr. Atkins

Had leave to introduce

Senate File No. 203,

A bill for an act to locate a certain state road therein named,
Which was

Read the first and second times, and,

On his motion,

Was referred to the committee on Roads.

Mr. Matthews

Had leave to introduce

Senate File No. 204,

A bill for an act to change the location of the Camanche and Anamosa state roads,

Which was

Read the first and second times, and,

On motion of Mr. Anderson,

Was referred to the committee on Roads.

Mr. Foster,

Had leave to introduce

Senate File No. 205,

A bill for an act to change the location of a State road therein named.

Which was

Read a first and second times, and

On his motion,

Referred to the committee on Roads.

Mr. Foster

Had leave to introduce

Senate File No. 206,

A bill for an act to locate a State road therein named,
Which was

Read the first and second times, and

On his motion,

Referred to the committee on Roads.

BILLS ON THEIR FIRST READING.

House File No. 24,

A bill for an act requiring the plat of the town of Newton, to be recorded.

Which was
Read the first and second times, and
On motion of Mr. Grinnell,
The eleventh rule was suspended,
The bill read the third time,
Passed, and title agreed to.

House File No. 185,
A bill for an act to amend an act incorporating city of Davenport.
Which was
Read the first and second times, and
Referred to the committee on Incorporations.

House File No. 192,
A bill for an act to change the name of New Haven in Buchanan
county,
Which was
Read the first and second times, and
On motion of Mr. Cattell,
The eleventh rule was suspended, and
The bill read a third time,
Passed and the title agreed to.

House File No. 197,
A bill for an act to create the county of Humboldt.
Which was
Read a first and second times, and
On motion,
Referred to the committee on New Counties.

House File No. 196,
A bill for an act to change the name of Pierce township, in Jones
county, to Wyoming.
Which was
Read a first and second times, and
On motion of Mr. Thompson,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

Senate File No. 198,
A bill for an act to make the bridge across North Skunk River, a
part of the public highway.

Which was

Read a first and second times, and,

On motion of Mr. Loughridge,

The bill was amended by adding to the last section the words,
"without expense to the state."

On motion of Mr. Anderson,

The eleventh rule was suspended,

The bill read a third time,

Passed, and its title agreed to.

House File No. 200,

A bill for an act providing for a county record of the original entries of land, and allowing such record to be received and read in evidence, at all courts in this state,

Which was

Read the first and second times, and,

On motion of Mr. Anderson,

Referred to the committee on Public Lands.

House File No. 207,

A joint resolution for additional mail facilities,

Which was

Read a first and second times, and,

On motion of Mr. Jordan,

The eleventh rule was suspended,

The resolution read a third time,

And passed, and the title agreed to.

House file No. 208,

A bill for an act to change the name of George Graugher,

Which was

Read a first and second times, and,

On motion of Mr. Loughridge,

Referred to the Judiciary committee.

On motion of Mr. Kirkwood,

The Senate adjourned.

SENATE CHAMBER, }
Jan. 20—9 A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS AND REMONSTRANCES.

Mr. Coolbangh,

Presented a petition from H. Leonard and one hundred others,
asking for additional mail facilities,

Which was

Referred to the delegation from Des Moines county.

Mr. McCoy

Presented a petition from D. B. Keys and fifty others, remon-
strating against the repeal of the present prohibitory liquor law,

Which was

Read and laid on the table.

Mr. Brown

Presented a communication from John W. Lane,

Which was read, and,

On motion of Mr. Brown,

Referred to committee on claims.

Mr. Cook

From the committee on Enrolled Bills, made the following re-
port:

The committee on enrolled bills report that they have examined
the following bills, and find them correctly enrolled, viz:

Senate files, No. 97, 115, 111, 63, 62, 31, 34, 86, 75, 118, 126, 106,
125, 116, 47, 85, 88, 90, 122, 52, 37, 153, 155, 153, 156, 165, 161,
143, 84.

L. COOK,
Chairman.

The committee on enrolled bills, have presented to His Excellency, the Governor, the following Senate Files, for his approval, viz :
Senate Files No. 130, 124, 118, 103, 141, 112, 69, 82, 101, 66.

LYMAN COOK,
Chairman.

Message from the House of Representatives,
By Mr. Logan, Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following bills, in which the concurrence of the Senate is asked :

House File No. 162,

A bill for an act requiring proprietors of town plats to record the same.

Also,

House File No. 302,

A bill for an act to locate a state road therein named.

Also,

House File No. 303,

A joint resolution for additional mail facilities.

Also,

House File No. 304,

A joint resolution in relation to the independence of Liberia.

Also,

House File No. 299,

A bill for an act vacating a street in Rockville, Delaware county, Iowa.

J. W. LOGAN,
Clerk.

MR. PRESIDENT :

I herewith present for your signature, House Files No. 218, 209, 236, 96, 227, 132, 33, 153, 151, 150, 213, the same having passed both Houses of the General Assembly, been duly enrolled by the House, and signed by the Speaker.

J. W. LOGAN,
Clerk.

REPORTS OF COMMITTEES.

Mr. Cleaver,

From the special committee to whom was referred

House File No. 219,

A bill for an act for the relief of the Medical Department of the State University,

With the recommendation of an amendment, to-wit:

Insert before the word "University" the words "interest of."

The report of the committee was concurred in, and,

On motion of Mr. Trimble,

The bill was laid upon the table,

And made the special order for 7 o'clock P. M. to-day.

Mr. Saunders,

From the committee on Ways and Means, to whom was referred

Senate File No. 148,

A bill for an act making appropriations for the geological survey of the State,

And recommended the blank to be filled with the word "ten,"

Which amendment was adopted, and,

On motion of Mr. Saunders,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

BILLS ON THIRD READING.

Senate File No. 48,

A bill for an act for the permanent location of the asylum for the blind,

Was read a third time,

Passed and the title agreed to.

Senate File No. 58,

A bill for an act to protect game,

Was read a third time,

Upon the passage of the bill,

The yeas and nays were demanded,

And were as follows:

The yeas were—

Senators Anderson, Atkins, Brigham, Brown, Birge, Carter, Coolbaugh, Cook, Foster, Grinnell, Jenkins, Kirkwood, Matthews, McCulloch, Ramsay, Reed, Rusch, Saunders, Stewart, Test, Thompson, Thurston, Wilkinson, Mr. President—23.

The nays were—

Senators Cattell, Cleaver, Dale, Hogan, Jordan, Loughridge, McCoy, McCrary, McPherson, Neal, Trimble, Warner—12.

Bill passed and the title agreed to.

Senate File No. 105,

A bill for an act in relation to the assessment of property.

Was read a third time,

Passed and the title agreed to.

Senate File No. 167,

A bill for an act to authorize the re-survey of a certain road in Keokuk county.

Returned from the House of Representatives,

With an amendment,

Which was concurred in by the Senate.

Senate File No. 168,

A bill for an act fixing the weight of lime and sand,

Read the third time,

Passed and the title agreed to.

Senate File No. 144,

A bill for an act supplemental to an act establishing a recorder's office in the city of Keokuk,

Returned from the House of Representatives,

With an amendment,

In which amendment the Senate concurred, and the bill as amended, passed.

Senate File No. 96,

A bill for an act to vacate a certain grave-yard,

Returned from the House of Representatives,

With an amendment,

In which amendment the Senate concurred, and the bill passed as amended.

House File No. 12,
A bill for an act to increase mail facilities,
Read a third time, and
On motion of Mr. Thompson,
The further consideration of the bill was indefinitely postponed.

House File No. 206,
An act fixing the times of holding court in the sixth judicial district,
Read a third time,
Passed and the title agreed to.

House substitute for
Senate File No. 50,
A bill for an act authorizing private persons to sue out writs of quo warranto and mandamus,
The substitute of the House was adopted,
And the bill
Passed and the title agreed to.

House substitute for
Senate File No. 59,
A bill for an act to locate a state road from Clayton City to the Des Moines river,
Substitute read and adopted.

BILLS ON THEIR FIRST READING.

House File No. 71,
A bill for an act to establish a branch of the State University.
Which was
Read the first and second times, and
On motion of Mr. Kirkwood,
Laid on the table, and made the special order for this day, at 7 o'clock, P. M.

House File No. 130,
A bill for an act fixing the salaries of the Governor and other state officers,
Was read a first and second times, and,
On motion of Mr. Loughridge,
Was referred to the committee on Ways and Means.

House File No. 138,

A bill for an act defining the rights &c. of the Plattsmouth ferry company,

Was read a first and second times, and,

On motion of Mr. McPherson,

Was referred to a select committee consisting of Senators from Fremont, Pottawattomie and Cass counties.

House File No. 195,

A bill for an act to authorize the supreme and district courts to prescribe rules of practice,

Was read the first and second times, and,

On motion of Mr. McPherson,

Was referred to the committee on the Judiciary.

House File No. 211,

A bill for an act to locate a state road from the Missouri river to Fort Des Moines.

Which was

Read the first and second times,

And, on motion,

Was amended by adding to the last section the words
"Without expense to the State."

On motion of Mr. Jordan,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

House File No. 214,

A bill for an act to vacate High-street, in the town of Adell,

Which was

Read the first and second times, and

On motion of Mr. Jordan,

The eleventh rule was suspended, and

The bill read a third time.

Passed and the title thereof agreed to.

House File No. 216,

A bill for an act to locate certain state roads therein named,

Which was

Read the first and second times, and,

On motion of Mr. Jordan,
Was referred to the committee on Roads.

House File No. 229,
A bill for an act requiring school fund commissioners to certify to
state land office, sales of school and other lands,
Which was
Read the first and second times, and,
On motion of Mr. Birge,
The eleventh rule was suspended,
The bill read the third time,
Passed and the title agreed to.

House File No. 233,
A bill for an act in relation to swamp lands of the state,
Which was
Read the first and second times, and,
Motion to indefinitely postpone the bill, lost.

House File No. 134,
A bill for an act to locate a state road from Osage, in Mitchell
county, to Glenmary and Bristol,
Which was,
Read the first and second times, and
On motion,
The eleventh rule was suspended,
Passed, and title agreed to.

House File No. 237,
A joint resolution for additional mail facilities,
Which was
Read the first and second times, and
On motion of Mr. Grinnell,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

House File No. 238,
A joint resolution for additional mail facilities,
Which was
Read the first and second times, and,
On motion of Mr. Grinnell,

The eleventh rule suspended,
The bill read a third time,
Passed and the title agreed to.

House File No. 231,
A bill for an act to vacate part of a state road in Lee county,
Which was
Read a first and second times, and,
On motion of Mr. McCrary,
The bill was amended by adding the words, "without expense to the state."

On motion of Mr. Thurston,
The eleventh rule was suspended,
The bill read the third time,
Passed and the title agreed to.

House File No. 243,
A joint resolution and memorial for mail facilities,
Which was
Read the first and second times, and
On motion of Mr. Rusch,
The eleventh rule was suspended,
The bill read the third time,
Passed, and title agreed to.

House File No. 244,
A bill for an act to authorize the judge of Jefferson county to have the records of surveys transcribed,
Which was
Read the first and second times, and
On motion of Mr. Reed,
The eleventh rule was suspended, and
The bill read a third time,
Passed and the title agreed to.

House File No. 245,
A bill for an act to locate a state road in the counties of Johnson, Iowa and Benton,
Which was
Read a first and second times, and,
On motion of Mr. Kirkwood,
Referred to the committee on Roads.

House File No. 246,

A bill for an act to incorporate the city of Washington,

Which was

Read a first and second times, and,

On motion of Mr. Foster,

Referred to the committee on Incorporations.

House File No. 254,

A bill for an act to locate the county seat of Floyd county,

Which was

Read a first and second times, and,

On motion of Mr. Anderson,

Amended by providing that "the publication shall be without expense to the state."

On motion,

The eleventh rule was suspended,

The bill read a third time,

Passed, and title agreed to.

House File No. 256,

A bill for an act to amend chapter 136 of the code,

Which was

Read a first and second times, and

Ordered to be engrossed, and read a third time to-morrow.

House File No. 258,

A bill for an act to vacate a square in Freeman,

Which was

Read a first and second times, and,

On motion of Mr. Grinnell,

The eleventh rule was suspended,

The bill read a third time,

Passed, and title agreed to.

House File No. 259,

A bill for an act for state road from Deedsville to Brighton,

Which was

Read the first and second times, and,

On motion of Mr. Foster,

Was referred to the committee on Roads.

House file No. 260,
A bill for an act to locate a state road,
Which was
Read the first and second times and
Referred to the committee on Roads.

House File No. 261,
A bill for an act to locate the seat of justice in Chickasaw county,
Which was
Read a first and second times, and
On motion of Mr. Foster,
Referred to the committee on New Counties.

House File No. 265,
A bill for an act to locate a state road,
Which was
Read the first and second times, and,
Referred to the committee on Roads.

House File No. 268,
A bill for an act to establish a state road from Madison to Montrose, in Lee county,
Which was
Read the first and second times, and,
On motion of Mr. Thurston,
Referred to the Senators representing Lee county.

House File No. 269,
A bill for an act for a road from Osage to Algonia,
Which was
Read the first and second times, and,
On motion of Mr. Thomason,
Was referred to the committee on Roads.

House file No. 270,
A bill for an act to vacate part of a public square in Osage,
Which was
Read a first and second times, and,
On motion,
Was referred to the committee on Incorporations.

House File No. 271,

A bill for an act for a state road from Newton to Adell, in Dallas county,

Which was

Read the first and second times, and,

On motion of Mr. Jordan,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

House File No. 274,

A bill for an act to establish a state road from West Union to Clarksville,

Which was

Read the first and second times, and,

On motion of Mr. Brown,

Was referred to the committee on Roads.

House File No. 282,

A bill for an act fixing times of holding courts in the second judicial district,

Which was

Read the first and second times, and,

On motion of Mr. Stewart,

Was referred to the Senators from Dubuque and Linn counties.

House File No. 287,

A bill for an act for a state road from Fayette to Osage,

Which was

Read the first and second times, and

Referred to the committee on Roads.

House File No. 288,

A bill for an act for a state road from Forest City to Cedar Falls,

Which was

Read the first and second times, and

Referred to the committee on Roads.

House File No. 279,

A bill for an act to establish a state road from Camanche to Anamosa,

Which was

Read the first and second times, and

Referred to the committee on Roads.

House File No. 297,

A bill for an act to vacate an alley in West Point,

Which was

Read the first and second times, and

Ordered to be engrossed and read a third time to-morrow.

House File No. 294,

A bill for an act to amend the session laws of the extra session of the Fifth General Assembly, chapter 12,

Which was

Read the first and second times, and

Referred to the committee on Roads.

House File No. 293,

A bill for an act to incorporate the town of Centreville,

Which was

Read the first and second times, and,

On motion of Mr. Thompson,

Was referred to the committee on Incorporations.

Mr. Foster,

From the committee on Engrossed Bills,

Made the following report:

MR. PRESIDENT :

The committee on Engrossed Bills, report,

Senate File No. 45,

. An act relating to the navigation and hydraulic company of the Mississippi Rapids.

Also,

Senate File No. 104,

A bill to extend the jurisdiction of justices of the peace.

Also,

Senate File No. 107,

An act regulating trials in, and appeals from county courts.

Also,

Senate File No. 133,

An act to fix the compensation of the Attorney General.

Also,

Senate File No. 138,

Memorial respecting the pre-emption laws.

Also,

Senate File No. 145,

An act in relation to insurance companies.

Also,

Senate File No. 162,

Joint resolution of the General Assembly in relation to delinquent State taxes.

Also,

Senate File No. 177,

An act for the encouragement of scientific and practical agriculture.

Correctly engrossed.

FOSTER,
Chairman.

The President :

Appointed Senators Trimble, Jordan and Thurston, committee on Mileage.

On motion of Mr. Grinnell,

The Senate adjourned.

TWO O'CLOCK, P. M.

Senate File No. 172,

A bill for an act for the public instruction of Iowa,

Being the special order,

Mr. Loughridge,

Moved that the further consideration of the bill be postponed for two weeks,

Which motion was lost.

Mr. Kirkwood.

Moved to strike out in section 105, after the word "university," the words "and its branches."

Which motion was lost.

Mr. Foster

Moved to amend section 67, by striking out 50, and inserting 26.

Which motion was lost.

Mr. Thurston

Moved to amend the same section, so that it will read, "each teacher shall receive the sum of one dollar on receiving a certificate."

Which motion was lost.

Mr. Cattell

Moved to amend by substituting the following for sections 80 and 81.

"The county judge shall, at the time of levying the tax for county purposes, levy a tax for the support of schools within the county, not less than one, nor more than three mills on the dollar, of the assessed property within the county, which shall be collected by the collector, at the same time and in the same manner as state and county taxes are collected, except that it shall be received only in cash."

Mr. Reed

Moved to amend the substitute by striking out after the word "than," the word "one," and insert "one and a half,"

Which motion was lost.

The substitute was adopted.

Mr. Foster

Moved to amend section 85 by striking out "three" and insert as follows :

Two hundred dollars in counties of less than 5000 inhabitants.

Two hundred and fifty dollars in counties having a population exceeding 10,000 and less than 15,000 inhabitants, and an additional \$50 for each additional number of 5000 inhabitants.

Which amendment was adopted. •

Mr. Coolbaugh

Moved to amend section 40, 13th page of the bill, by inserting after the word "district," the following, to-wit :

Not exceeding one per cent on the taxable property of the district in any one year.

Which amendment was adopted.

Mr. Foster

Moved to amend section 12 by striking out the word "male" before "student."

Which amendment was adopted.

On motion of Mr. Anderson,

Section 24 was amended by striking out the words "six months," and inserting "sixteen weeks."

Message from the House of Representatives,
By Mr. Logan, Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following bills, in which the concurrence of the Senate is asked :

House File No. 280,

A bill for an act legalizing the sale and disposition of the land on which the town plat of Toledo is situated, and for other purposes.

Also,

House File No. 263,

A bill for an act to amend section 114, of chapter 15 of the Code, and also to regulate the same.

Also,

House File No. 286,

A bill for an act to vacate part of a State road.

Also,

House File No. 242,

A bill for an act to vacate part of a certain State road in Lee county.

Also,

House File No. 223,

A bill for an act to review a certain State road.

Also,

House File No. 291,

A bill for an act to define the rights and duties of inn-keepers, in certain cases.

Also,

House File No. 305,

A bill for an act to establish a State road from New Hampton to Oregon Grove.

Also,

House File No. 269,

A bill for an act to provide for action against rafts.

Also,

House File No. 264,

A bill for an act to establish a ferry and build a bridge across the Des Moines river.

I herewith return the following Senate Files the same having passed the House without amendment:

Senate File No. 44,

A bill for an act to establish a State road from Bloomfield to Winterset.

Also,

Senate File No. 120,

Joint resolution asking Congress to make the Iowa Southern Railroad, a branch of the Central Pacific Railroad.

Also,

Senate File No. 184,

A bill for an act to change the name of Burrington, to Manchester.

Also,

Senate file No. 177,

Joint resolution for additional mail facilities from Sioux City via Spirit Lake to Mankato.

Also,

Senate File No. 186,

A joint resolution and memorial in relation to the five per cent fund.

Also,

Senate File No. 196,

A bill for an act to perfect the title of David Rawles in and to lot No. 12, in Albia, Monroe county.

Also,

Senate File No. 142,

A bill for an act to authorize W. W. Garner, J. M. Robertson, and Wm. L. Tools to sell certain real estate in Louisa county.

Also,

Senate File No. 158,

A bill for an act concerning the Iowa Medical College.

Also,

Senate File No. 179,

A bill for an act to change the name of Bremen, in Monroe county, to Savilla, and to enlarge the boundaries without taking a vote.

Also,

Senate File No. 192,

Joint resolution relating to the use of the library.

Also,

Senate File No. 195,
Joint resolution relating to additional mail facilities.

Also,

Senate File No. 200,
A bill for an act to locate the seat of justice of Cerro Gordo county.

I herewith present for your signature

House Files Nos. 100, 209, 196, 194 and 164,

The same having passed both branches of the General Assembly
been duly enrolled by the House, and signed by the Speaker.

J. W. LOGAN,
Clerk.

Mr. Grinnell

Moved to amend section 69 of the 9th sub-division by inserting
after the word "certificate" the word "diploma."

Which motion was lost.

Mr. Neal

Moved to amend section 103 by striking out Iowa City and in-
serting Monroe City, Jasper county.

Which motion was lost.

Mr. Coolbaugh

Moved to amend the bill by striking out 21 and inserting 18 when-
ever it occurs in the bill.

Which motion was lost.

Message from the House,

By Mr. Hepburn, Assistant Clerk.

MR. PRESIDENT:

I herewith present for your signature

House File No. 239,

A bill for an act to define the time of holding courts in the fourth
judicial district,

The same having passed both branches of the General Assembly,
been duly enrolled by the House, and signed by the Speaker.

W. P. HEPBURN,
Ass't Clerk H. R.

Mr. Saunders

Moved to amend section 108 by striking out twelve and inserting six.

Also,

By striking out four and inserting two,

Which was adopted.

The question being upon ordering the bill to be engrossed for a third reading,

Mr. Ramsay

Called for the yeas and nays,

Which were as follows :

The yeas were—

Senators Anderson, Atkins, Brigham, Brown, Birge, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Jenkins, Jordan, Kirkwood, Matthews, McCoy, Reed, Rasch, Saunders, Stewart, Thompson, Warner, Wilkinson, Mr. President—26.

The nays were—

Senators Coolbaugh, Dala, Hogan, Loughridge, McCulloch, Neal, Ramsay, Thurston, Trimble—9.

The bill was ordered to be engrossed for a third reading.

Substitute for

Senate File No. 11,

Being the special order,

Mr. Hamilton

Offered a substitute for the substitute.

Mr. Hamilton

Moved to refer the substitute and substitute for the substitute to the committee on the Judiciary.

Mr. Neal

Moved to lay both on the table,

Which motion was lost.

Motion to refer prevailed.

Mr. Trimble

Had leave to present a petition from Samuel A. Moore and 500

others, remonstrating against any alteration in the boundaries of Davis county,

Which was,

On motion of Mr. Trimble,

Laid on the table.

Mr. Thurston

Had leave to present an account of Josiah Cowles,

Which was,

On motion of Mr. Thurston,

Referred to the committee on Claims.

On motion of Mr. Cattell,

House File No. 77,

Was taken from the table, and

Referred to the committee on the Judiciary,

And Mr. McPherson was added to the committee, for the purpose of considering the bills relating to dower.

On motion of Mr. Loughridge,

The Senate adjourned until 7 o'clock P. M.

SEVEN O'CLOCK, P. M.

House File No. 219,

A bill for an act for the relief of the medical department of the state university,

Being the special order, was taken up.

The question being upon ordering the bill to a third reading,

The yeas and nays were demanded, and

Were as follows:

The yeas were—

Senators Anderson, Atkins, Brigham, Brown, Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Grinnell, Hogan, Jenkins, Jordan, Loughridge, Matthews, McCoy, McCrary, McPherson, Rusch, Saunders, Stewart, Thurston, Trimble, Warner, Mr. President—28.

The nays were—

Senators Foster, Kirkwood, Reed—3.

On motion of Mr. Coolbaugh,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

House File No. 71,

A bill for an act to establish a branch of the state university at Glenwood, in Mills county,

Being the special order,

Mr. Loughridge

Moved that the bill be laid upon the table.

Mr. Kirkwood

Called for the yeas and nays,

Which were as follows:

The yeas were—

Senators Anderson, Atkins, Birge, Cleaver, Dale, Hogan, Jordan, Loughridge, McCoy, McCulloch, McPherson, Rusch, Thurston, Trimble, Warner, Mr. President—15.

The nays were—

Senators Brown, Carter, Cattell, Cook, Foster, Grinnell, Kirkwood, Matthews, McCrary, Reed, Saunders, Stewart, Wilkinson—13.

Motion prevailed, and
The bill was laid on the table.

On motion of Mr. Stewart,
The Senate took from the table
Senate File No. 39,

A bill for an act to cede to the United States jurisdiction of all lands which may be purchased by them as sites for buildings.

On motion of Mr. Stewart,

The Senate re-considered the vote by which the first section of the bill was amended.

On motion of Mr. Stewart,

The amendment was

Laid on the table,

The eleventh rule was suspended,

The bill read a third time,

Passed, and its title agreed to.

Mr. Thurston,

From the committee on Claims, introduced

Senate File No. 207,

Joint resolution for the relief of Josiah Cowles, of Lee county,

Which was

Read the first and second times, and,

On motion of Mr. Saunders,

Referred to the committee on Claims.

Mr. Carter

Had leave to introduce

Senate File No. 208,

A bill for an act to authorize the county of Clayton to subscribe to the stock of certain railroads,

Which was

Read a first and second times, and

On his motion,

The 11th rule was suspended, and

The bill read the third time,

Passed and the title agreed to.

Mr. Thurston

Had leave to introduce

Senate File No. 209,

A bill for an act to elect an additional justice of the peace in West Point township, Lee county,

Which was

Read a first and second times, and,

On his motion,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

Mr. Cleaver

Had leave to introduce

Senate File No. 210,

A bill for an act to authorize N. W. Burris and his heirs to keep
a ferry across the Mississippi river,

Which was

Read a first and second times, and

On his motion,
Was referred to the committee on Roads.

Mr. Cook

Had leave to introduce

Senate File No. 211,

A bill for an act in relation to corporate indebtedness,

Which was

Read a first and second times.

Mr. Anderson

Moved to refer the bill to the committee on Internal Improve-
ments,

Which motion was lost.

On motion of Mr. McCrary,
The bill was

Referred to the committee on Ways and Means.

Mr. Matthews

Had leave to introduce

Senate File No. 212,

A bill for an act requiring the election of an additional justice of
the peace in Camanche township, Clinton county,

Which was

Read a first and second times, and,

On his motion,
The eleventh rule was suspended,
The resolution read a third time,
And passed, and the title agreed to.

On motion of Mr. Grinnell,
House File No. 59,
A bill for an act for the relief of W. W. Williamson,
Was made the special order for to-morrow at ten o'clock.

Mr. Birge
Moved that the Senate adjourn,
Which motion was lost.

Mr. Cattell
Had leave to introduce
Senate File No. 213,
A bill for an act to authorize the town of Tipton to sell the public square,
Which was
Read a first and second times, and,
On his motion,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

On motion of Mr. McCulloch,
Senate File No. 127,
A bill for an act to amend chapter 48 of the acts of 1852-3, relating to supervisors of roads,
Was taken from the table, and
Ordered to be engrossed for a third reading.

On motion of Mr. McCulloch,
Senate File No. 146,
Relating to the same subject,
Was laid upon the table.

BILLS ON THIRD READING.

Senate File No. 176,
A bill for an act for the encouragement of practical and scientific agriculture,
Was read a third time.

The question being on its final passage,

Mr. Foster

Demanded the yeas and nays,

Which were as follows :

The yeas were—

Senators Atkins, Brigham, Brown, Birge, Carter, Cattell, Cool-
b ngli, Cook, Dale, Foster, Grinnell, Jenkins, Jordan, Kirkwood,
McCoy, McCrary, McCulloch, McPherson, Reed, Rusch, Saunders,
Thurston, Trimble, Mr. President—23.

The nays were—

Senators Anderson, Clearer, Hogan, Loughridge, Stewart, War-
ner, Wilkinson—7.

The bill was

Passed and the title agreed to.

On motion,

The Senate adjourned.

SENATE CHAMBER, }
JAN. 21st, 1857, 9 o'clock A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of Mr. Saunders,

Two additional members were added to the committee on ap-
portionment.

The President

Appointed Senators Foster and Warner.

On motion,
Mr. Saunders was excused from acting on said committee.

The President
Appointed Senator Grinnell in his place.

NOTICE OF A BILL.

By Mr. Ramsay,
Notice of a bill to locate a state road from Eddyville to Indianola.

Mr. Neal
Offered the following resolution :

Resolved, That the committee on Schools be instructed to enquire into the expediency of locating the state university upon the five sections of land in Jasper county, and laying out a town on said land, in lots of suitable size, and selling the same, and appropriating the funds arising from such sale, to the erection of suitable college buildings.

On motion of Mr. Kirkwood,
The resolution was amended by adding, after the word "university," the words, "and state capitol."

Mr. Kirkwood
Moved further to amend, by adding, after "capitol," the words "blind asylum, and deaf and dumb asylum."

On motion of Mr. Foster,
The resolution and amendments were laid on the table.

Mr. Thompson.
Offered the following resolution :

Resolved, That after to-day, no bills for acts of a general character shall be introduced, except by unanimous consent.

Mr. Loughridge
Moved to amend by striking out to day and insert to morrow.

On motion of Mr. Saunders,
The resolution and amendment were laid on the table.

Mr. Thurston

Offered the following resolution :

*Resolved,** That the committee on apportionment be instructed not to interfere with the present apportionment of the Senate.

Mr. McCrary

Moved to refer the resolution to the committee on apportionment.

Upon which motion,

Mr. Thurston

Demanded the yeas and nays,

Which were as follows :

The yeas were—

Senators Anderson, Brown, Carter, Castell, Cleaver, Cook, Foster, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Reed, Rusch, Saunders, Thompson, Mr. President—21.

The nays were—

Senators Brigham, Birge, Coolbaugh, Dalo, McCulloch, Neal, Ramsay, Thurston, Warner, Wilkinson—10.

Motion prevailed.

Mr. McCulloch,

From the select committee to whom was referred

House File No. 268,

A bill for an act to locate a state road from Fort Madison to Montrose,

Reported the same back to the Senate,

And recommended its passage.

On his motion,

The eleventh rule was suspended,

The bill read the third time,

Passed and the title agreed to.

Mr. Cook,

From the select committee to whom was referred

House File No. 112,

A bill for an act to amend the city charter of Burlington,

Reported the same back to the Senate,

With one amendment to the last section,

And recommended its adoption.

The report was concurred in, and,

On his motion,

The eleventh rule was suspended.

The bill read a third time,

Passed and the title agreed to.

Mr. Thompson,

From the committee on Public Lands, to whom was referred

House File No. 233,

A bill for an act in relation to the swamp lands of this State,

Reported the same back to the Senate,

And recommended its passage.

The bill was read the third time,

Passed and the title agreed to.

Mr. Thompson,

From the same committee, to whom was referred

House File No. 200,

A bill for an act providing for a county record of the original entries, &c.,

Reported the same back to the Senate,

And recommended its passage.

The bill was read a third time,

Passed and the title agreed to.

Mr. Brigham

From the select committee, to whom was referred

House File No. 232,

A bill for an act to amend the charter of the city of Keokuk,

Reported a substitute therefor,

Which was adopted, and,

On motion,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Anderson,

From the Judiciary committee, to whom was referred

House File No. 110,

A bill for an act fixing the times of holding courts in the 9th judicial district

Reported the same back and recommended the indefinite postponement of the further consideration thereof.

Report concurred in.

Mr. Matthews,

From committee on incorporations, to whom was referred

House File No. 141,

A bill for an act to incorporate the city of Des Moines, in Polk county,

Reported a substitute therefor, which substitute was adopted, and,

The eleventh rule was suspended, and

The bill read a third time,

Passed and the title agreed to.

Mr. Matthews,

From the committee on Incorporations, to whom was referred

House File No. 185,

A bill for an act amendatory to an act incorporating the city of Davenport,

Reported the same back,

And recommended its passage.

The bill was read a third time,

Passed, and title agreed to.

Mr. Thurston,

From the same committee,

Reported back to the Senate

Senate File No. 175,

A bill for an act to incorporate Eddyville, and recommended its passage.

The eleventh rule was suspended, and

The bill read a third time,

Passed, and title agreed to.

Mr. Matthews

From the same committee, reported back to the Senate

House File No. 246,

A bill for an act to incorporate the city of Washington,

And recommended its passage.

On motion of Mr. Matthews,

The bill was amended by striking out the words "native-born and naturalized" in section three, and inserting "white male."

The eleventh rule was suspended,

The bill read the third time,

Passed, and title agreed to.

Mr. Matthews,

From the same committee, reported back to the Senate
House File No. 178,

A bill for an act to incorporate Newton, in Jasper county,
And recommended its passage.

On motion,

The eleventh rule was suspended,

The bill read the third time,

Passed and the title agreed to.

Mr. Matthews,

From the same committee, reported back to the Senate
Senate File No. 191,

A bill for an act to incorporate Burris,

And recommended its passage.

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Matthews,

From the same committee, reported back to the Senate
House File No. 292,

A bill for an act to incorporate the town of Centerville,

And recommended its passage.

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Test,

From the select committee to whom was referred

House File No. 118,

A bill for an act to allow fees to the clerk of the Supreme Court in
certain cases,

Reported the same back to the Senate,

And recommended its passage.
The eleventh rule was suspended,
The bill read the third time,
Passed and the title agreed to.

Mr. Test,
From the select committee to whom was referred
House File No. 130,
A bill for an act to define the rights and duties of the Plattsmouth
Ferry Company.
Reported the same back to the Senate,
And recommended its passage.

On motion of Mr. Kirkwood,
The bill was amended by adding to the second section the following:
"Provided, also, That any future General Assembly of the State
of Iowa, may alter or repeal this law."

The eleventh rule was suspended,
The bill read the third time,
Passed and the title agreed to.

Mr. Cattell,
From the select committee to whom was referred
House File No. 36,
A bill for an act to amend an act entitled an act concerning fences.
Reported the same back to the Senate,
And recommended its passage.

On motion of Mr. McPherson,
The bill was laid on the table.

Mr. Foster,
From the committee on Agriculture, reported by bill,
Senate file No. 214,
A bill for an act relating to hedges,
Which was
Read the first and second times, and,
On motion of Mr. Jenkins,
The bill was amended by inserting in section first the words "in
writing" after the word "contracts."

On motion of Mr. Thompson,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

Mr. McPherson,
From the committee on Elections, to whom was referred
Senate File No. 202,
A bill for an act to preserve the purity of elections,
Reported the same back to the Senate, and recommended an
amendment, to wit:

Strike out section 8, and insert, "this act shall take effect from
and after its publication according to law."

Mr. Warner
Moved that the bill be laid on the table,
On which motion,
Mr. Coolbaugh called for the yeas and nays,
Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brigham, Birge, Cattell, Cleaver,
Coolbaugh, Cook, Dale; Jordan, Loughridge, McCoy, McCrary,
McCulloch, Neal, Ramsay, Reed, Stewart, Test, Thompson, Thurston,
Trimble, Warner—23.

The nays were—

Senators Brown, Carter, Foster, Grinnell, Hogan, Jenkins,
Kirkwood, Matthews, McPherson, Rusch, Saunders, Wilkinson.
Mr. President—13.

Motion prevailed.

Mr. Neal
Moved to re-consider the vote just taken,
Which was lost.

Mr. Cook,
From the select committee, to whom was referred
Senate File No. 123,
A bill for an act to amend the charter of the city of Balington,
Reported the same back with an amendment,
Which was concurred in by the Senate, and,

On motion,
The eleventh rule was suspended,
The bill read a third time,
Passed, and title agreed to.

Mr. Kirkwood,
Had leave to introduce
Senate File No. 215,
A bill for an act to create a school district in Johnson county,
Which was
Read the first and second times, and
With a remonstrance relating thereto, was,
On motion of Mr. Kirkwood,
Referred to the committee on Schools.

Mr. Cook

From the committee on Enrolled Bills, made the following report:

The committee on enrolled bills, report that they have presented to his excellency, the Governor, for his approval, the following bills, viz:

Senate Files No. 143, 84, 151, 155, 156, 47, 153, 155, 154, 37, 121, 133, 90, 88, 85, 116, 125, 107, 126, 117, 75, 86, 34, 31, 62, 73, 115, 97, 111.

L. COOK,
Chairman.

Mr. Stewart,
From the select committee to whom was referred
House File No. 1,
A bill for an act to create a school district in Dubuque county,
Reported the same back to the Senate,
And recommended its passage.
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

On motion of Mr. Neal,
The Senate adjourned.

TWO O'CLOCK, P. M.

The special order being
The consideration of
House File No. 59,
A bill for an act for the relief of Wm. W. Williamson.

Mr. McPherson

Moved to amend the bill by striking out all after the words "W. W. Williamson," and insert

"As a compensation for the expense and trouble that the said W. W. Williamson incurred in defending his contested election as Judge of the fifth judicial district."

Mr. Neal

Moved to amend the bill and amendment by adding after the words "W. W. Williamson," where the same occurs, the words "C. J. McFarland."

Upon the amendment to the amendment,

Mr. Trimble

Called for the yeas and nays,

Which were as follows :

The yeas were—

Senators Anderson, Coolbaugh, Cook, Foster, Kirkwood, Matthews, McCoy, McCulloch, Neal, Rusch, Test, Thurston, Trimble, Warner—14.

The nays were—

Senators Atkins, Brigham, Brown, Birge, Carter, Cattell, Cleaver, Grinnell, Hogan, Jenkins, Jordan, Longhridge, McCrary, McPherson, Ramsay, Reed, Saunders, Stewart, Thompson, Wilkinson, Mr. President—21.

Amendment to the amendment lost.

Mr. Brigham

Moved to lay the bill upon the table.

Upon which motion,
The yeas and nays were demanded,
Which were as follows :

The yeas were—

Senators Anderson, Atkins, Brigham, Brown, Birge, Carter,
Cleaver, Coolbaugh, Cook, Foster, Jenkins, Kirkwood, Matthews,
McCrary, McCulloch, Neal, Ramsay, Rusch, Saunders, Stewart,
Test, Thurston, Trimble, Wilkinson—24.

The nays were—

Senators Cattell, Grinnell, Hogan, Jordan, Loughridge, McCoy,
McPherson, Reed, Thompson, Warner, Mr. President—11.

Motion to lay upon the table prevailed.

Message from the House of Representatives,
By Mr. Logan, Clerk.

MR. PRESIDENT:

I herewith present for your signature

House Files Nos. 180, 181, 188, 21, 193, 126, 6, 192, 115, 222,
158, 203, 199, 220, 234, 157,

The same having passed both branches of the General Assembly,
been enrolled by the House, and signed by the Speaker.

J. W. LOGAN,
Clerk.

BILLS ON THEIR FIRST READING.

House File No. 172,

A bill for an act in relation to record of town plats.

Which was

Read a first and second times, and

On motion of Mr. Loughridge,

Amended by striking out the provisions for publication, and in-
serting "according to law."

On motion of Mr. Jenkins,

The bill was

Referred to the committee on incorporations.

House File No. 242,

A bill for an act to vacate a certain State road in Lee county. A

Which was
Read a first and second times, and,
Ordered to be read a third time to-morrow.

House File No. 223,
A bill for an act to review a State road.
Which was
Read the first and second times, and
Referred to the committee on Roads.

House File No. 263,
A bill for an act to amend section 114 of the Code,
Which was
Read a first and second times, and
On motion,
Referred to the committee on Hog Laws.

House File No. 264,
An act to establish a free bridge across the Des Moines
river,

Which was
Read the first and second times, and
On motion of Mr. Cook,
Referred to the committee on Incorporations.

House File No. 267,
A bill for an act to provide for action against rafts.
Which was
Read a first and second times, and
On motion of Mr. Thompson,
Referred to the committee on Internal Improvements.

House File No. 286,
A bill for an act to vacate part of a state road,
Which was
Read a first and second times.
On motion of Mr. Matthews,
The eleventh rule was suspended,
The resolution read a third time,
And passed, and the title agreed to.

House File No. 291,
A bill for an act to define the rights and duties of inn keepers,

Which was
Read a first and second times, and,
On motion of Mr. Thompson,
Referred to the committee on the Judiciary.

House File No. 290,
A bill for an act legalizing the sale of certain lands therein
named

Which was
Read the first and second times, and
On motion of Mr. Grinnell,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

House File No. 299,
A bill for an act vacating a street in the town of Rockville, in
Delaware county,

Which was
Read the first and second times, and,
On motion of Mr. Thompson,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

House File No. 302,
A bill for an act to locate a state road therein named,
Which was
Read a first and second times, and
On motion of Mr. Test,
Was referred to the committee on Roads.

House File No. 303,
A joint resolution for additional mail facilities,
Which was
Read the first and second times, and,
On motion of Mr. Cattell,
The eleventh rule was suspended,
The bill read a third time,
Passed, and its title agreed to.

House File No. 304,

A joint resolution in relation to the independence of Liberia,
Which was

Read a first and second times, and,

On motion of Mr. Test,

Referred to committee on Federal Relations.

House File No. 305,

A bill for an act to establish a state road from New Hampton to
Oregon Grove,

Which was

Read the first and second times, and

On motion of Mr. Test,

Referred to the committee on Roads.

BILLS ON THIRD READING.

Senate File No. 45,

A bill for an act relating to the navigation and hydraulic company of the Mississippi rapids,

Was read a third time.

The question being on its final passage,

The yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brigham, Brown, Carter, Cleaver,
Jenkins, McCrary, McCulloch, Neal, Ramsay, Reed, Rusch, Test,
Thompson, Trimble, Warner—17.

The nays were—

Senators Birge, Coolbaugh, Cook, Foster, Hogan, Jordan, Kirkwood,
Loughbridge, Matthews, McCoy, Saunders, Stewart, Thurston,
Wilkinson, Mr. President—15.

The bill was passed and its title agreed to.

Senate File No. 107,

A bill for an act regulating trials and appeals in county courts,

The 11th rule was suspended, and

The bill read the third time,

Passed and the title agreed to.

Senate File No. 104,

A bill for an act to extend the jurisdiction of justices of the peace,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Senate File No. 133,

A bill for an act fixing the salary of the Attorney General,

Was read the third time.

The question being upon its final passage,

Mr. Test

Called for the yeas and nays,

Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brown, Carter, Cattell, Cleaver, Coolbaugh, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McCulloch, McPherson, Rusch, Saunders, Stewart, Thompson, Trimble, Wilkinson, Mr. President—27.

The nays were—

Senators Birge, Dale, Neal, Ramsay, Test, Thurston, Warner—7.

The bill was passed and its title agreed to.

Senate File No. 138,

Joint memorial relating to the pre-emption laws,

The memorial read the third time,

Passed and the title agreed to.

Senate File No. 145,

A bill for an act regulating insurance companies in the State of Iowa,

Which was

Read the third time,

Passed and the title agreed to.

Senate File No. 162,

Joint resolution in relation to delinquent State taxes.

The resolution read a third time.

Mr. McPherson

Moved to indefinitely postpone the further consideration of the resolution.

Mr. Kirkwood

Moved to refer the resolution to the committee on the Judiciary,

On which motion,

The yeas and nays were demanded,

And were as follows:

The yeas were—

Senators Atkins, Brigham, Brown, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McCulloch, McPherson, Neal, Reed, Rusch, Saunders, Stewart, Thompson, Thurston, Trimble, Wilkinson, Mr. President—30.

The nays were—

Senators Anderson, Birge, Carter, Ramsay, Test, Warner—6.

Motion prevailed.

House File No. 256,

A bill for an act to amend so much of the Code as refers to Coroner's fees.

Read the third time,

Passed and the title agreed to.

House File No. 297,

A bill for an act to vacate a certain alley in the town of West Point.

Read the third time,

Passed and the title agreed to.

Mr. Saunders

Offered the following resolution, which was adopted:

Resolved, That the use of the Senate Chamber be tendered to the Iowa State Colonization Society, on Thursday evening, the 22d inst.

On motion,

The Senate adjourned.

SENATE CHAMBER, }
JAN. 22d, 1857, 9 O'CLOCK A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and amended by striking out so much thereof as related to laying Senate File No. 202 under the table.

PETITIONS AND MEMORIALS.

Mr. Grinnell

Presented the petition of Jacob Basserma, and 19 others, citizens of Benton and Tama counties, in relation to hogs and sheep,

Which was

On motion of Mr. Grinnell,

Referred to the committee on Agriculture.

Mr. Grinnell,

Also presented the petition of L. C. Phelps and others, citizens of the county of Poweshiek, in relation to railroads,

Which was

On motion of Mr. Grinnell,

Referred to the committee on Incorporations.

Message from the House of Representatives,

By Mr. Logan, Chief Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following bills, in which the concurrence of the Senate is asked :

House File No. 184,

A bill for an act revising and consolidating the laws incorporating the city of Dubuque, and to establish a city court therein.

Also,

House File No. 250,

A bill for an act providing for the establishment of a state agricultural college.

Also,

House File No. 309,

A bill for an act to locate a state road from Marietta to Clear Lake.

Also,

House file No. 301,

A bill for an act for the relief of J. L. Jones.

Also,

House File No. 306,

A joint resolution in relation to homestead.

Also,

Substitute for House File No. 202, and Senate amendments,

A bill for an act regarding the time of holding courts in the counties comprising the sixth judicial district.

I herewith return the following Senate Files, the same having passed the House without amendment :

Senate File No. 213,

A bill for an act authorizing the town of Tipton to convey a public square.

Also,

Senate File No. 148,

A bill for an act making provisions for the continuance of the geological survey of the State.

Also,

Senate File No. 147,

A bill for an act to incorporate Maquoketa, in Jackson county, Iowa.

Also,

Senate File No. 39,

A bill for an act ceding to the United States jurisdiction and exemption from taxation on all lands for sites purchased by them.

Also,

Senate File No. 185,

A bill for an act establishing a school district in Van Buren township, Van Buren county, Iowa.

I also herewith return

Senate File No. 171,

A bill for an act relating to the amendment of the act incorporating the city of Mount Pleasant.

The same having been amended by the House, in which the House asks the concurrence of the Senate.

MR. PRESIDENT:

I herewith present for your signature the following House Files, the same having passed both branches of the General Assembly, and been signed by the Speaker.

House File No. 185,

A bill for an act to amend an act entitled an act to incorporate the city of Davenport, and to amend the several acts amendatory thereto.

Also,

House File No. 178,

A bill for an act to incorporate the town of Newton, Jasper county, Iowa.

Also,

House File No. 168,

Joint resolution for additional mail facilities.

Also,

House File No. 198,

A bill for an act to make the bridge across North Skunk river at Union Mills a part of the public highway.

Also,

House File No. 248,

Joint resolution for additional mail facilities.

Also,

House File No. 238,

Joint resolution for increased mail facilities:

Also,

House File No. 237,

Joint resolution for increased mail facilities.

Also,

House File No. 271,

A bill for an act to locate the state road from Newton, Jasper county, via Taylorsville to Adell, in Dallas county, Iowa.

Also,

House File No. 329,

A bill for an act requiring the school fund commissioners of the State to file a copy or transcript of the school lands sold in their respective counties, with the Register of the state land office.

Also,

House File No. 219,

A bill for an act for the relief of the medical department of the state university.

Also,

House File No. 253,

A bill for an act to vacate the public square in the village of Freeman, and to donate the same to Floyd county for certain purposes.

Also,

House File No. 214,

A bill for an act to vacate High-street, in the town of Adell.

Also,

House File No. 214,

A bill for an act to authorize the Judge of Jefferson county to have the surveys of said county transcribed and indexed.

Also,

House File No. 211,

A bill for an act to locate a state road from the Missouri river to Fort Des Moines.

Also,

House file No. 292,

A bill for an act to incorporate the town of Centreville, Iowa.

Also,

House File No. 15,

A bill for an act to establish a state road from Fort Des Moines to the south line of the State of Iowa.

Also,

House File No. 278,

A bill for an act to organize school district No. 1 in Barclay township.

J. W. LOGAN,

Clerk.

Mr. McCrary

Offered the following resolution, which was adopted :

Resolved, by the Senate, the House concurring, That the General Assembly will adjourn *sine die*, on the 28th inst.

Mr. Neal

Moved to strike out 27th and insert 26th,

Which motion was lost.

Mr. Anderson,

From the committee on the judiciary, to whom was referred

Senate File No. 201,

A bill for an act legalizing the sale of certain school lands,

Reported the same back to the Senate, with one amendment, striking out the second section,

Which amendment was adopted,

The bill read the third time,

Passed, and its title agreed to.

Mr. Anderson,

From the same committee, to whom was referred

Senate File No. 197,

A bill for an act changing the numbers of blocks in Benton city,

Reported the same back to the Senate, and recommended its passage.

The bill was read the third time,

Passed, and its title agreed to.

Mr. Anderson,

From the same committee, also reported

House File No. 208,

A bill for an act to change the name of George Grager,

Reported the same back to the Senate, with one amendment, to wit:

Striking out all of Sec. 1, after the name of George Granger Castle,

Which amendment was adopted,

The bill read a third time,

Passed, and its title agreed to.

Mr. Anderson,

From the same committee, to whom was referred

House File No. 131,

A bill for an act to amend section 211 of chapter 22d of the Code of Iowa.

Reported the same back to the Senate,

And recommended its indefinite postponement.

On motion of Mr. McCulloch,

The bill was laid on the table.

Mr. Coolbaugh,

From the committee on Railroads, to whom was referred

House File No. 174,

A bill for an act to authorize the McGregors, St. Peters and Missouri River Railroad Company, to accept and appropriate a grant of land,

Reported the same back to the Senate,

And recommended its passage.

The bill was

Read a third time,

Passed and the title agreed to.

Mr. Coolbaugh,

From the same committee, to whom was referred

Senate File No. 151,

A bill for an act legalizing the articles of incorporation of the Great North Western Rail Road Company.

Reported the same back to the Senate,
And recommended its indefinite postponement.

On motion of Mr. Test,
The Senate adjourned until half past two o'clock, P. M.

HALF PAST TWO O'CLOCK, P. M.

On motion of Mr. Coolbaugh,
The Senate adjourned.

SENATE CHAMBER, }
Jan. 23—9 A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of Mr. McPherson,
The vote by which the Senate adopted
Resolution in relation to adjournment of the General Assembly,
Was re-considered.

On motion of Mr. Loughridge,
The resolution was laid upon the table.

Mr. Grinnell,
From the committee on Schools, to whom was referred
Senate File No. 169,
Reported the same back to the Senate,
And recommended its passage.

Mr. Loughridge

Moved to amend the bill by striking

"Six" out of section second,

And inserting—

"One-fourth of the legal voters of said city or town, as shown by
the poll books of the last preceding election."

Mr. Thurston

Moved to amend the amendment by inserting—

"Majority of property-holders,"

Which motion was lost.

Mr. Loughridge's amendment was adopted.

On motion of Mr. Loughridge,

The bill was further amended by substituting for part of last
section—

"All laws or parts of laws relating to schools, which conflict with
the provisions of this act, shall be so construed as not to interfere
with the provisions of this act."

On motion of Mr. Loughridge,

The bill was amended by adding the following additional sec-
tion—

"This act shall take effect from and after its publication according
to law."

On motion of Mr. Grinnell,

The eleventh rule was suspended,

The bill read a third time,

Passed, and title agreed to.

Mr. Loughridge,

From the committee on the judiciary, to whom was referred

House File No. 177,

A bill for an act for the re-location of the burial ground, in Delhi,
Delaware county,

Reported the same back to the Senate, with two amendments, to wit :

Substitute for section one, and an additional section, providing for the publication of the bill,

Which amendments were adopted,

The eleventh rule was suspended,

The bill read the third time,

Passed and the title agreed. to.

Mr. Cattell,

From the committee to whom was referred

Substitute and

House File No. 21,

A bill for an act to restrain swine and sheep from running at large,

Reported the same back to the Senate, with sundry amendments, to wit :

Strike out section four of the substitute, and add three additional sections to the substitute.

Mr. Anderson.

Moved to strike out section five,

Which motion was lost.

Mr. Anderson

Moved to lay the amendments on the table,

Which motion was lost.

The amendments were adopted.

The question being,

On the adoption of the substitute as amended,

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Atkins, Brown, Cattell, Cleaver, Cook, Grinnell, Jenkins, Kirkwood, Matthews, McPherson, Reed, Rusch, Stewart, Test, Thompson, Wilkinson, President—17.

The nays were—

Senators Anderson, Carter, Coolbaugh, Dale, Foster, Hogan,

Jordan, Loughridge, McCoy, McCrary, Ramsay, Saunders, Thurston, Warner—13.

The substitute was adopted.

On motion of Mr. Anderson,
A call of the Senate was ordered.

Senators McCulloch, Neal and Trimble were found to be absent.

On motion of Mr. Thurston,
Senators McCulloch and Neal were excused.

On motion of Mr. Jenkins,
Mr. Trimble was excused.

On motion of Mr. Foster,
Further proceedings under the call was dispensed with.

On motion of Mr. Anderson,
The bill was laid on the table.

Mr. Ramsay
Had leave to introduce
Senate File No. 216,
A bill for an act to establish a certain state road therein named,
Which was
Read the first and second times, and
On motion,
Was referred to the committee on Roads.

Mr. Foster,
From the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills report
Senate File No. 127,
A bill for an act to amend chapter 48, of the acts of 1852-3, relating to supervisors of roads.

Also,
Senate File No. 172,
A bill for the public instruction of Iowa,
Correctly engrossed.

FOSTER,
Chairman.

Mr. Cook

From the committee on Enrolled Bills, made the following report:

The committee on enrolled bills, report that they have examined the following bills, and find the same correctly enrolled, viz:

Senate Files No. 195, 167, 50, 59, 96, 144, 200, 49, 153, and 149.

L. COOK,
Chairman.

Mr. Coolbaugh,

From the joint committee appointed to investigate the affairs of the Superintendent of Public Instruction and other state officers,
Presented the report of the committee,

Which was read, and

Laid on the table,

With leave to transmit to the House.

Mr. Coolbaugh,

From the same committee,

Had leave to introduce

Senate File No. 217,

A joint resolution in relation to the university lands,

Which was

Read the first and second times, and,

On motion of Mr. Cook,

The eleventh rule was suspended,

The bill read the third time.

The question being on the final passage of the resolution,

The yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brigham, Brown, Burge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Ramsay, Reed, Rusch, Saunders, Stewart, Test, Thompson, Thurston, Wilkinson, Mr. President—32.

Mr. Warner

Was excused from voting.

The nays were—

Senators 0.

The resolution was passed and its title agreed to.

Mr. Coolbaugh,

From the same committee,

Had leave to introduce

Senate File No. 218,

A bill for an act concerning school monies,

Which was

Read a first and second times.

On motion of Mr. Coolbaugh,

The Senate adjourned.

TWO O'CLOCK, P. M.

On motion of Mr. Kirkwood,

Senate File No. 118,

Was amended by adding to section two as follows :

12. The expenses in each county incident to the present system of managing the school lands and school funds.

On motion of Mr. Coolbaugh,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Coolbaugh,

From the same committee,

Had leave to introduce

Senate File No. 219,

A bill for an act providing for the distribution of the five per cent fund,

Which was
Read the first and second times, and
On motion,
Referred to the committee on Schools.

Mr. Cook,
From the committee on Enrolled Bills,
Made the following report:

The committee on enrolled bills report that they have presented to his excellency the Governor, for his approval, the following bills, viz:

Senate Files No. 195, 167, 50, 59, 96, 144, 200, 49, 158, and 142.

LYMAN COOK,
Chairman.

The committee on enrolled bills report that they have examined the following bills, and find them correctly enrolled, viz:

Senate Files No. 179, 182, 173, 177, 184, 120, 196, 196, 5, and 192.

LYMAN COOK,
Chairman.

Message from the House of Representatives,
By Mr. Logan, Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the following bills, in which the concurrence of the Senate is asked:

House File No. 311,

A bill for an act establishing the boundaries of the city of Muscatine.

Also,

House File No. 284,

A bill for an act to vacate a certain plat in Black Hawk county.

Also,

House File No. 170,

A bill for an act to amend sections 1956, 1957, and 1958, of code of Iowa.

Also,

House File No. 240,

A bill for an act to vacate Court House Square, in Waterloo, Iowa.

Also,

House file No. 308,

A bill for an act relating to an additional justice of the peace.

I herewith return the following Senate Files, the same having passed the House without amendment:

Senate Files No. 160, 190, 209.

I also return Senate Files No. 137, and 180, with amendments by the House, in which the concurrence of the Senate is asked.

Also,

Senate File No. 74,

Indefinitely postponed.

J. W. LOGAN,

Clerk.

Mr Brigham,

From the joint committee, appointed to investigate the affairs of the Des Moines River Improvement Company,

Presented the report of the committee, which was read, and

On motion of Mr. Ramsay,

Laid on the table, with leave to transmit to the House of Representatives.

Mr. Brigham,

From the same committee,

Had leave to introduce

Senate File No. 220,

A bill for an act in relation to the Des Moines River Improvement,

Which was

Read a first and second times, and,

On motion of Mr. Loughridge,

Laid on the table, and 200 copies ordered to be printed, and the bill made the special order for 9 o'clock, to-morrow.

Mr. Thompson,
From the committee to whom was referred
House File No. 41,
A bill for an act creating the twelfth judicial district.
Reported the same back to the Senate,
And recommended its passage.

Mr. Anderson
Moved to indefinitely postpone the bill,
Motion lost.

The question being upon ordering the bill to a third reading,
Mr. Anderson,
Called for the yeas and nays,
Which were ordered, and
Were as follows:

The yeas were—
Senators Atkins, Brigham, Birge, Cleaver, Coolbaugh, Cook, Dale,
Jordan, Kirkwood, Loughridge, McCoy, McPherson, Ramsay,
Rusch, Stewart, Test, Thompson, Thurston, Warner, Wilkinson
—18.

The nays were—
Senators Anderson, Brown, Carter, Cattell, Foster, Grinnell, Hogan,
Jenkins, Matthews, McCrary, Reed, Saunders, Mr. President
—13.

On motion of Mr. Test,
The eleventh rule was suspended.
The bill read a third time,
Passed and the title agreed to.

Mr. Foster,
From the committee on Apportionment, reported by bill,
Senate File No. 221,
A bill for an act to re-apportion the State of Iowa.
Which was
Read the first and second times, and,
On motion of Mr. Test,
The bill was laid on the table, and 200 copies of the same ordered
to be printed.

Mr. Kirkwood,

From the committee on Federal Relations, to whom was referred
Senate File No. 77,

A bill for an act making an appropriation for a state historical society,

Reported the same back to the Senate, with the following amendments, to wit :

Strike out of section one, the words, "and executed at the capital,"

And insert—

"In connection with, and under the auspices of the state university."

Also,

A new section at section 3, of the bill, and amend—

This act to take effect and be in force from and after its publication according to law,

In which amendments the Senate concurred.

On motion of Mr. Matthews,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Saunders,

From the committee on Ways and Means, to whom was referred
House File No. 130,

A bill for an act fixing the salaries of the Governor and state officers,

Reported the same back to the Senate, and recommended an amendment, to wit :

Strike out section three of the bill,

Which amendment was concurred in.

Mr. Ramsay

Moved to strike out section 1st of the bill, after the enacting clause,

On which motion,

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Anderson, Atkins, Brown, Birge, Carter, McCoy, McCrary, Ramsay, Thurston, Warner—10.

The nays were—

Senators Brigham, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jordan, Kirkwood, Loughridge, Matthews, McPherson, Reed, Rusch, Saunders, Stewart, Thompson, Wilkinson, Mr. President—21.

Amendment lost.

Mr. Loughridge

Moved to strike out of section first, the words "two thousand,"

And insert "fifteen hundred,"

On which motion

The yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brown, Birge, Carter, Cattell, Cleaver, Coolbaugh, Dale, Foster, Jenkins, Jordan, Loughridge, Matthews, McCoy, McCrary, McPherson, Ramsay, Test, Thurston, Warner, Mr. President—22.

The nays were—

Senators Brigham, Cook, Grinnell, Hogan, Kirkwood, Reed, Rusch, Saunders, Stewart, Thompson, Wilkinson—11.

Motion prevailed.

Mr. Ramsay

Moved to reconsider the vote just had,

Which was lost.

Mr. Loughridge

Moved to strike out all of section 4, after the word "inoperative,"

On which motion

The yeas and nays were demanded,

And were as follows:

The yeas were—

Senators Anderson, Brown, Birge, Carter, Coolbaugh, Cook, Dale, Foster, Kirkwood, Loughridge, McCrary, Ramsay, Stewart, Test, Thurston, Warner, Wilkinson—16.

The nays were—

Senators Atkins, Brigham, Cattell, Cleaver, Hogan, Jenkins, Jordan, Matthews, McCoy, McPherson, Reed, Rusch, Saunders, Thompson, Mr. President—15.

Motion lost.

Mr. Cook,

From committee on enrolled bills, made the following report :

The committee on Enrolled Bills report that they have presented to his Excellency the Governor for his approval, the following bills, viz :

Senate Files Nos. 173, 184, 192, 186, 120, 119, 177, 196, 182.

COOK,
Chairman.

Message from the House of Representatives,
By Mr. Logan, Chief Clerk.

MR. PRESIDENT :

I herewith present for your signature

House Files Nos. 118, 112, 138, 302, 209, 268, 258, 251, 233, 200, 256, 1, 286, 299, 297,

The same having passed both branches of the General Assembly, been enrolled by the House, and signed by the Speaker.

J. W. LOGAN,
Clerk.

Mr. Foster

Moved to amend section two of the bill by striking out 1500 and inserting 1200.

Mr. Ramsay

Moved to amend the amendment by striking out 1200 and inserting 800,

Which motion was lost.

On motion of Mr. Coolbaugh,
The Senate adjourned.

SENATE CHAMBER,
JAN. 24, 1857, 9 o'clock A. M.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of Mr. Cook,
Mr. Dale had leave of absence

Mr. Grinnell

Gave notice of a bill to legalize the acts of school officers in certain school districts.

Mr. Thurston

Moved to re-consider the vote granting leave of absence to Mr. Dale

Motion lost.

Mr. Test

Offered the following resolution:

Resolved, That no leave of absence shall hereafter be granted, unless in case of sickness.

Mr. Grinnell

Moved to amend the resolution by adding the word "necessity."

On motion of Mr. Cleaver,

The resolution was laid upon the table.

Mr. Test

Had leave to introduce

Senate File No. 222,

A joint resolution relating to the duties of the Attorney General in suits relating to swamp lands,

Which was

Read a first and second times, and

On his motion,

The eleventh rule was suspended,
The joint resolution read a third time,
Passed, and the title amended and agreed to.

Mr. Ramsay

Had leave to introduce

Senate File No. 223,

A bill for an act to change the boundaries of Wapello and Davis counties,

Which was

Read the first and second times, and

On motion of Mr. Wilkinson,

Was referred to the Senators from Davis, Wapello and Van Buren counties.

Mr. Brown,

From the committee on New Counties, to whom was referred

House File No. 197,

A bill for an act to organize the county of Humboldt,

Reported the same back to the Senate,

And recommended its passage.

On motion,

The eleventh rule was suspended,

The bill read a third time,

Passed, and its title agreed to.

On motion of Mr. Anderson,

Senate File No. 220,

Was made the special order for Monday next at nine o'clock, A. M.

Mr. Stewart,

From the committee on Railroads, to whom was referred

House File No. 72,

A bill for an act supplementary to an act entitled an act to accept of the grant, and carry into execution the trust conferred upon the State of Iowa by an act of Congress, &c.,

Reported a substitute therefor.

Mr. Test

Moved that the bill and substitute be laid on the table, and made

the special order for Monday at 2 o'clock, p. m., and that 300 copies be printed for the use of the General Assembly,

Which motion was lost.

On motion of Mr. Hamilton,

The bill was laid upon the table, and made the special order for 2 o'clock p. m.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred

Senate File No. 166,

A bill for an act fixing the times of holding courts in the ninth judicial district,

Reported the same back to the Senate,
And recommended its passage.

On motion,

The 11th rule was suspended, and

The bill read the third time,
Passed and the title agreed to.

Mr. Anderson,

From the same committee, to whom was referred

Senate File No. 189,

A bill for an act to authorize Otis A. Holmes to dispose of certain real estate,

Reported the same back to the Senate,
And recommended its passage.

On motion,

The eleventh rule was suspended,

The bill read a third time,
Passed and the title agreed to.

Mr. Stewart,

From the select committee to whom was referred

House File No. 282,

A bill for an act fixing the times of holding court in the second judicial district,

Reported the same back to the Senate, and recommended its passage.

On motion of Mr. Stewart,

The eleventh rule was suspended,
 The bill read a third time,
 Passed and the title agreed to.

Mr. Matthews,
 From the committee on Incorporations, to whom was referred
 House File No. 172,
 A bill for an act requiring town plats to be recorded,
 Reported the same back to the Senate,
 With the following amendments:

In Sec. 1, strike out "if" and insert "that."
 In Sec. 1, after the word "person" insert "who."
 In Sec. 1, after the word "which" insert "has been or."
 In Sec. 1, strike out the words "every person so offending."
 In Sec. 2, strike out all after the word "publication" and add
 "according to law."

The amendments were concurred in by the Senate.

On motion of Mr. Grinnell,
 The business before the Senate was suspended, and the Senate
 took up

Senate File No. 172,
 A bill for an act for the public instruction of the State of Iowa,
 And by unanimous consent of the Senate,
 The bill was amended by striking out of Sec. 98, the words "first
 day of," and inserting "as."

Mr. Hamilton, (Mr. Cook being in the chair,)
 Offered the following amendments, to wit:

Sec. 1. Colored children shall not be admitted into any of the
 public schools of this state, without the unanimous consent of the
 householders of the district, nor shall the property of colored per-
 sons be taxed for school purposes.

The previous question being moved, the same was ordered.

On the amendment pending,

Mr. Thurston
 Called for a division of the question.
 Which was ordered.

The question being

On the first clause of the amendment offered,

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Anderson, Atkins, Birge, Cleaver, Coolbaugh, Cook, Hogan, Jenkins, Jordan, Loughridge, Matthews, McCrary, McPherson, Ramsay, Reed, Rusch, Saunders, Stewart, Test, Thurston, Warner, Wilkinson, President—24.

The nays were—

Senators Brigham, Brown, Carter, Cattell, Foster, Grinnell, McCoy, Thompson—8.

Amendment prevailed.

The question being

On the second clause of the amendment,

The yeas and nays were ordered,

Which were as follows :

The yeas were—

Senators Anderson, Brown, Carter, Cattell, Cleaver, Coolbaugh, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Ramsay, Reed, Rusch, Saunders, Stewart, Test, Warner, Wilkinson, Mr. President—27.

The nays were—

Senators Atkins, Brigham, Birge, Thompson, Thurston—5.

Amendment prevailed.

During the call, Mr. Foster asked leave to explain the reason for his vote.

The Chair

Decided that under the call for the previous question, the Senator could not make any explanation,

On which question

Mr. Foster

Appealed from the decision of the chair.

The question being,
Shall the decision of the chair be the decision of the Senate,
The same was decided in the affirmative.

Mr. Cattell

Had the unanimous consent of the Senate, to offer the following amendment to the bill,
Which was adopted:

Insert after subdivision ten, in Sec. 91, p. 32, "He shall, as soon after as practicable, and at least once a year, examine the books and accounts of the several county superintendents, and ascertain from county treasurers' books, the amount received on account of tax and fines, from the books of the state, the amount received from the five per cent. fund, and from the records of the office, of the amount received from the sale of school lands in the county, and shall also ascertain the amount paid out by such county superintendents, as shown by receipts from the several school districts, notes and mortgages, and other vouchers, and should he discover any fraud or corruption in the transactions of any county superintendent, he shall report the same to the prosecuting attorney of the proper county, whose duty it shall be to institute suit against said county superintendent."

By unanimous consent of the Senate,

Mr. Coolbaugh

Moved to amend the first clause of the amendment offered by Mr. Hamilton, by striking out the words "without the unanimous consent of the householders of the district."

Upon which amendment,

The yeas and nays were demanded,
Which were as follows:

The yeas were—

Senators Anderson, Brigham, Birge, Coolbaugh, Foster, McCoy, Ramsay, Stewart, Test, Thompson, Thurston, Warner—12.

The nays were—

Senators Atkins, Brown, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Matthews, McCrary,

McPherson, Reed, Rusch, Saunders, Wilkinson, Mr. President—20.
Motion lost.

On motion,
The Senate adjourned.

TWO O'CLOCK, P. M.

Mr. McPherson

Had leave to offer a resolution granting to certain Indians, the use of the Senate Chamber.

Resolution adopted.

Mr. Foster

Moved to suspend the special order,

And take up the business pending

Before the Senate at the time of adjournment.

Mr. Anderson

Offered the following amendment, which was adopted:

“And the several district secretaries shall, in making an enumeration of children in their districts, omit the colored children therein.”

The question being upon ordering the bill to a third reading,

The yeas and nays were ordered,

And were as follows:

The yeas were—

Senators Anderson, Atkins, Cattell, Cleaver, Cook, Grinnell, Jenkins, Jordan, McPherson, Reed, Rusch, Saunders, Wilkinson, Mr. President—14.

The nays were—

Senators Brown, Birge, Coolbaugh, Foster, Hogan, Kirkwood,

Loughbridge, McCoy, McCrary, Ramsay, Stewart, Test, Thompson, Thurston, Warner—15.

The Senate refused to order the bill to a third reading.

The special order was taken up being

House File No. 72,

And substitute of the committee.

Message from the House of Representatives,

By Mr. Logan, Chief Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the following bill, in which the concurrence of the Senate is asked.

House File No. 315,

A bill for an act to locate a state road.

Also,

House File No. 314,

A joint resolution for additional mail facilities.

Also,

House File No. 313,

A joint resolution for additional mail facilities.

Also,

House File No. 257,

J. W. LOGAN,
Clerk.

Mr. Test

Moved to recommit the bill to the committee on railroads, with instructions to report an amendment excepting the property of railroad companies from taxation for ten years.

Motion lost.

Mr. Test

Moved to strike out of section first the words—

“The lands granted to said companies by the state of Iowa, while held for the use of the respective companies.”

Mr. Hamilton

Moved a substitute for the amendment, by providing that said

THE SENATE.

1-19

lands, held by the companies, should be exempt from taxation by said companies, for ten years.

Message from the House,
By Mr. Hepburn, Assistant Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following bills, in which the concurrence of the Senate is asked.

House File No. 316,
A bill for an act to incorporate Clinton City, Clinton county.

I also herewith return

Senate File No. 102,

A bill for an act to organize the county of Worth, and to annex territory thereto,

The same having passed the House without amendment.

W. P. HEPBURN,

Ass't Clerk H. R.

The committee on Enrolled Bills report that they have presented the following bill to the Governor for his signature :

Senate File No. 148,

A bill for an act making further appropriations for the geological survey of the State.

L. COOK,

Chairman.

The question being upon the motion of Mr. Hamilton to substitute the amendment of Mr. Test,

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Carter, Jenkins, Matthews, Stewart, Thompson, Mr. President—6.

The nays were—

Senators Anderson, Atkins, Brigham, Brown, Birge, Cattell, Cleaver, Coolbaugh, Cook, Foster, Grinnell, Hogan, Jordan, Kirk-

wood, Loughridge, McCoy, McCrary, McPherson, Ramsay, Reed, Rusch, Saunders, Test, Thurston, Warner, Wilkinson—26.

Motion lost.

The question being upon the amendment of Mr. Test,

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Anderson, Atkins, Brigham, Brown, Carter, Cattell, Cleaver, Coolbaugh, Cook, Foster, Grinnell, Hogan, Jordan, Kirkwood, Loughridge, McCoy, McCrary, McPherson, Ramsay, Reed, Rusch, Saunders, Test, Thurston, Warner, Wilkinson—26.

The nays were—

Senators Birge, Jenkins, Matthews, Stewart, Thompson, Mr. President.

Amendment adopted.

Mr. Kirkwood

Moved to amend by inserting after the word "annually," the words

"Until and during the year 1865."

On motion of Mr. Brigham,

The bill was re-committed to the committee on railroads, with instructions to report on Monday morning.

House File No. 172,

Which was under consideration in the morning,

Was amended on motion of Mr. Cattell, by inserting as an additional section, section No. 2.

On motion of Mr. Cleaver,

The eleventh rule was suspended.

The bill read a third time,

Passed and the title agreed to.

Mr. Foster,

From committee on apportionment, reported by bill,

Senate File No. 224,

A bill for an act to change the boundaries of the first and second congressional districts of the state,

Which was
Read the first and second times, and,
Ordered to a third reading on Monday.

On motion of Mr. Stewart,
House File No. 184,
A bill for an act revising and consolidating the laws incorporating
the city of Dubuque,

Which was
Read a first and second times, and
Referred to the committee on incorporations.

Mr. Brigham
Had leave to introduce
Senate File No. 222,
A bill for an act legalizing certain bonds,
Which was
Read a first and second times, and,
On his motion,
Referred to the committee on the Judiciary.

Mr. Cattell,
From the special committee to whom was referred
House File No. 263,
A bill for an act to amend section 114 of chapter 15, of the Code
of Iowa.

Reported the same back to the Senate,
With one amendment, to-wit:
Strike out all of the first four lines of Section 2, and insert the
following:

"That in any county that has heretofore decided, or shall hereaf-
ter decide, by a majority vote, in favor of restraining swine and sheep
from running at large, every owner of such stock shall from and"

The amendment was adopted.

The eleventh rule was suspended,

The bill read a third time,
Passed and the title agreed to.

Mr. Atkins,
From the committee on Roads, to whom was referred

House File No. 216,

A bill for an act to locate certain State roads therein named.

Reported the same back to the Senate,

With sundry amendments, to-wit:

Strike out of section 22, "April" and insert "July."

Also,

Strike out "nine" and insert "six."

Also,

In section 29, strike out "Iowa City Republican and Iowa Capitol Reporter," and insert "from and after its passage."

The amendments were adopted.

The bill was read the third time,

Passed and the title agreed to.

On motion of Mr. Cattell,

Leave of absence was granted to Mr. Brown.

Mr. Atkins,

From the special committee to whom was referred

Senate File No. 199,

A bill for an act to attach the counties of Hancock and Winnebago to the county of Cerro Gordo, for certain purposes.

Reported the same back to the Senate,

And recommended its passage.

On motion of Mr. Grinnell,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Atkins,

From the committee on Roads, to whom was referred

House file No. 34,

A bill for an act to authorize the re-survey of Roads.

Reported the same back to the Senate,

And recommended its passage.

The bill was read a third time,

Passed and the title agreed to.

Mr. Atkins,

From the same committee to whom was referred

House File No. 294,

A bill for an act to amend chapter 12, of the session laws of the fifth General Assembly,

Reported the same back to the Senate, and recommended its passage.

The bill was

Read the third time,

Passed and the title agreed to.

Mr. Brigham

Had leave to introduce

Senate File No. 226,

A bill for an act relating to the Keokuk and Illinois Bridge company,

Which was

Read a first and second times, and

Referred to the committee on Internal Improvements.

Mr. Cook

Had leave to introduce

Senate File No. 227,

A bill for an act to authorize the construction of a bridge across the Mississippi river at Burlington,

Which was

Read a first and second times, and,

On his motion,

Referred to the committee on Internal Improvements.

On motion,

The Senate adjourned.

SENATE CHAMBER, }
Jan. 26—9 A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

Mr. Atkins

Presented a petition from M. F. Sherry and 150 others, asking for the location of a state road from Alden, in Hardin county, to Chain Lakes, in Emmet county.

The petition was,

On motion of Mr. Atkins,

Referred to the committee on Roads.

Mr. Thurston

Had leave to introduce

Senate File No. 228,

A bill for an act to change the name of West Point, in Lee county, to Lee City.

Which was

Read the first and second times, and

On his motion,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Grinnell

Had leave to introduce

Senate File No. 229,

A bill for an act to legalize the acts of certain officers in Grinnell township, Powesheik county,

Which was

Read a first and second times and

On his motion,

The eleventh rule was suspended,
The bill read a third time,
And passed, and the title agreed to.

Mr. Jenkins
Had leave to introduce
Senate File No. 230,
A joint resolution for additional mail facilities,
Which was
Read the first and second times, and
On his motion,
The eleventh rule was suspended,
The resolution read a third time,
Passed, and its title agreed to.

Mr. McPherson
Offered the following resolution,
Which was adopted:

Resolved, That the chairman of each standing and select committee shall place upon the table of the Secretary of the Senate a list of all the bills in, by two o'clock this afternoon.

Mr. Brigham
Moved to amend by striking out "this afternoon," and insert
"to-morrow,"
Which motion was lost.

Mr. Anderson,
From the committee on the Judiciary, to whom was referred
Senate File No. 225,
A bill for an act legalizing the issues of corporate bonds,
Reported the same back to the Senate,
With a substitute therefor,
Which substitute was adopted, and,
On his motion,
The eleventh rule was suspended, and
The bill read the third time,
Passed, and its title agreed to.

Message from the House of Representatives,
By Mr. Logan, Chief Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the following bills, joint and concurrent resolutions, in which the consent of the Senate is asked:

House File No. 276,

A bill for an act locating the seat of justice in Mitchell county.

Also,

House File No. 318,

A joint resolution in relation to school and university funds.

Also,

The following concurrent resolution:

Resolved, the Senate concurring, That this House do adjourn, *sine die*, on Wednesday, January the 23th, A. D., 1857.

I herewith return

Senate File No. 217,

A bill for an act requiring the township trustees of Camanche township, Clinton county, to order the election of an additional justice of the peace, the same having passed the House without amendment.

Also,

Senate File No. 81,

A bill for an act making appropriations for the state insane asylum, with amendment, in which the assent of the Senate is asked.

J. W. LOGAN,
Clerk.

Senate File No. 220,

A bill for an act in relation to the Des Moines River Improvement,

Being the special order,

Mr. Hamilton

Offered as a substitute for the bill,

A bill for an act to wind up and adjust the Des Moines Navigation and Railroad Company, and to adjust the affairs of the same.

Mr. Loughridge

Moved to refer the bill to a select committee of five, with instructions to report to morrow morning.

On motion of Mr. Brigham,
The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The question being upon referring

Senate File No. 220,

A bill for an act in relation to the Des Moines River Improvement,

To a special committee of five from the Des Moines River counties,

With instructions to report to the Senate to-morrow morning,

Mr. Ramsay

Moved to lay the substitute upon the table,

On which motion,

The yeas and nays being demanded,

Were ordered,

And were as follows:

The yeas were—

Senators Anderson, Atkins, Brigham, Birge, Cleaver, Hogan, Longbridge, McCrary, McPherson, Neal, Ramsay, Thurston, Wilkinson—13.

The nays were—

Senators Carter, Coolbaugh, Cook, Foster, Grinnell, Jenkins, Jordan, Kirkwood, Matthews, McCoy, Reed, Rusch, Saunders, Stewart, Test, Thompson, Warner, Mr. President—18.

Motion lost.

Mr. Anderson

Moved to refer the bill and substitute to the committee on Internal Improvements,

With instructions to report to-morrow morning.

On which motion,

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Anderson, Brigham, Birge, Carter, Cleaver, Coolbaugh, Cook, Foster, Grinnell, Hogan, Jordan, Kirkwood, Loughridge, McCrary, McPherson, Neal, Ramsay, Reed, Saunders, Thurston, Warner, Wilkinson—22.

The nays were—

Senators Atkins, Jenkins, Matthews, McCoy, Rusch, Stewart, Test, Thompson, Mr. President—9.

Motion prevailed.

Mr. Anderson

Was appointed to fill vacancy in committee

Senate File No. 221,

A bill for an act to apportion the state, and define the boundaries of the representative districts,

Being the special order,

Was taken up.

On motion of Mr. Foster,

“And Fayette,” was inserted after “Buchanan,” in Sec. 5.

On motion of Mr. Foster,

Sec. 9 was amended by striking out

“Fayette,” and inserting “Jones.”

Mr. Test

Moved to strike out “Clayton,” in Sec. 9.

Motion lost.

Mr. Test

Moved to strike out all after “Shelby,” in Sec. 14,

On which motion

The yeas and nays were demanded,
Which were as follows :

The yeas were—

Senators Brigham, Birge, Coolbaugh, McPherson, Neal, Ramsay, Rusch, Stewart, Test, Thurston, Warner, Wilkinson—12.

The nays were—

Senators Anderson, Atkins, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughbridge, Matthews, McCoy, McCrary, Reed, Saunders, Thompson, Mr. President—21.

Notion lost.

On motion of Mr. Foster,

“Sac, Buena Vista, Clay, and Dickinson,”

Was stricken from the 14th section, and added to the 13th section.

On motion of Mr. Jordan,

Section 15 was amended by striking out “Greene, Carroll and Anderson,” and inserting “Dallas.”

On motion of Mr. Jordan,

Section 16 was amended by striking out “Dallas,” and inserting “Greene, Carroll and Audubon.”

Mr. Test

Moved to re commit the bill to the committee on apportionment, with instructions not to embrace more than five organized counties in one Representative district.

Upon which question,

The yeas and nays were demanded,
Which were as follows :

The yeas were—

Senators Coolbaugh, Neal, Ramsay, Stewart, Test, Thurston, Warner—7.

The nays were—

Senators Anderson, Atkins, Brigham, Birge, Carter, Cattell, Cleaver, Cook, Foster, Hogan, Jordan, Kirkwood, Loughbridge,

McCoy, McCrary, McPherson, Reed, Rusch, Saunders, Thompson, Wilkinson, Mr. President—22.

Motion lost.

Message from the House of Representatives,
By Mr. Logan, Chief Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following bills, in which the concurrence of the Senate is asked.

House Files Nos. 63, 319, 320, 321, 322, 323, 325.

I herewith return the following Senate Files, the same having passed the House without amendment, to-wit :

Senate Files Nos. 27, 133, 166, 175, 191, 208, 217, 225, 228, 229.

I also herewith return

Senate File No. 145,

A bill for an act in relation to insurance companies, with an amendment in relation to publication.

Also,

Senate File No. 194,

A bill relating to certain blocks in Benton City, with an amendment in relation to publication.

Also,

Sub-titute for

Senate File No. 27,

A bill for an act to regulate the service of original notices in courts of record in certain cases.

Also,

Senate File No. 163,

Amended.

J. W. LOGAN,
Clerk.

On motion of Mr. Foster,
"Jones" was stricken from section 20.

Mr. Coolbaugh
Moved to strike out "two," and insert "three" in section 33.

Upon which motion,
Mr. Coolbaugh
Demanded the yeas and nays,
Which were as follows :

The yeas were—
Senators Brigham, Birge, Coolbaugh, Cook, Neal, Ramsay,
Thurston, Warner—10.

The nays were—
Senators Anderson, Atkins, Carter, Cattell, Cleaver, Foster,
Grinnell, Hogan, Jordan, Kirkwood, Longbridge, Matthews, Mc-
Coy, McCrary, Reed, Rusch, Saunders, Thompson, Wilkinson, Mr.
President—20.
Motion lost.

On motion of Mr. Saunders,
"Henry" was stricken out of section 33.

Mr. Neal
Moved to strike out "one" in section 39, and insert "two."

Upon which motion,
The yeas and nays were demanded,
Which were as follows

The yeas were—
Senators Brigham, Birge, Cattell, Cleaver, Coolbaugh, McCrary,
McPherson, Neal, Ramsay, Reed, Rusch, Stewart, Test, Thurston,
Warner, Wilkinson—16.

The nays were—
Senators Anderson, Atkins, Carter, Foster, Grinnell, Hogan, Jor-
dan, Kirkwood, Longbridge, Matthews, McCoy, Saunders, Thomp-
son, Mr. President—14.
Motion adopted.

Mr. Jordan
Moved to amend section 42 by inserting "and Polk" after "Dal-
las."

Upon which motion,

Mr. Test

Demanded the yeas and nays,

Which were as follows:

The yeas were—

Senators Brigham, Birge, Cook, Grinnell, Jordan, Kirkwood, Test, Warner—7.

The nays were—

Senators Anderson, Atkins, Carter, Cattell, Cleaver, Coolbaugh, Foster, Hogan, Jenkins, Loughridge, Matthews, McCoy, McCrary, McPherson, Neal, Ramsay, Rusch, Saunders, Thompson, Thurston, Wilkinson, Mr. President—20.

Motion lost.

Mr. McCrary

Moved to amend section 55, by adding after the words "Van Buren" the word "Henry."

Mr. Warner

Moved to amend the amendment by striking out "Henry" and inserting "Davis and Appanoose."

On which motion,

The yeas and nays were ordered,

Which were as follows:

The yeas were—

Senators Brigham, Birge, Coolbaugh, McPherson, Neal, Ramsay, Stewart, Test, Thurston, Warner—10.

The nays were—

Senators Anderson, Atkins, Brown, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, McCoy, McCrary, Reed, Rusch, Saunders, Thompson, Wilkinson, Mr. President—21.

Motion lost.

Mr. Warner

Moved to amend by adding after "Henry" "Davis and Appanoose."

On which motion,

The yeas and nays were demanded,
And were as follows :

The yeas were—

Senators Brigham, Birge, Coolbaugh, Neal, Ramsay, Stewart,
Test, Thurston, Warner, Wilkinson—10.

The nays were—

Senators Anderson, Atkins, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, McCoy, McCrary, McPherson, Reed, Rusch, Saunders, Thompson, Mr. President—21.

Motion lost.

Mr. Coolbaugh

Moved to amend by adding "Davis" after "Henry."

On which motion,

The yeas and nays were ordered,
And were as follows :

The yeas were—

Senators Brigham, Birge, Coolbaugh, Neal, Ramsay, Stewart,
Test, Thurston, Warner, Wilkinson—10.

The nays were—

Senators Anderson, Atkins, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Reed, Rusch, Saunders, Thompson, Mr. President—22.

Motion lost.

The question being

On Mr. McCoy's motion to add "Henry,"

The yeas and nays were ordered,
And were as follows :

The yeas were—

Senators Anderson, Atkins, Carter, Cook, Foster, Grinnell, Hogan, Jenkins, Kirkwood, Loughridge, Matthews, McCoy, McCrary, Reed, Rusch, Saunders, Thompson, Mr. President—18.

The nays were—

Senators Brigham, Birge, Cattell, Cleaver, Coolbaugh, Jordan, McPherson, Neal, Ramsay, Stewart, Test, Thurston, Warner, Wilkin—14.

The amendment was adopted.

The bill was ordered to be engrossed, and read a third time tomorrow.

On motion of Mr. Saunders,

Senate File No. 224,

A bill for an act to change the boundaries of the first and second congressional districts,

Was read a third time.

The question being,

On its final passage,

Mr. Coolbaugh

Called for the yeas and nays,

Which were ordered, and

Were as follows :

The yeas were—

Senators Anderson, Atkins, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Longbridge, Matthews, McCoy, McCrary, McPherson, Reed, Rusch, Saunders, Thompson, Wilkinson, Mr. President—23.

The nays were—

Senators Brigham, Birge, Coolbaugh, Neal, Ramsay, Stewart, Test, Thurston, Warner—9.

The bill was

Passed and the title agreed to.

On motion,

The Senate adjourned until 7 o'clock P. M.

SEVEN O'CLOCK, P. M.

House File No. 308,

A bill for an act relating to an additional justice of the peace in Bremer county Iowa,

Which was

Read a first and second times, and

On motion of Mr. Cleaver,

The eleventh rule was suspended,

The bill read a third time,

Passed, and its title agreed to.

House File No. 240,

A bill for an act to vacate a court-house square in Waterloo, Black Hawk county,

Which was

Read a first and second times, and

On motion of Mr. Cattell,

The 11th rule was suspended, and

The bill read the third time,

Passed and the title agreed to.

House File No. 284,

A bill for an act to vacate a certain plat in Blackhawk county.

Which was

Read the first and second times, and

On motion of Mr. Wilkinson,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

House File No. 311,

A bill for an act to establish the bounds of the city of Muscatine.

Which was

Read the first and second times, and

On motion of Mr. Wilkinson,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

House File No. 170,

A bill for an act to amend Sec. 1956, 1957 and 1958, of the Code of Iowa,

Which was

Read a first and second times and

On motion of Mr. Wilkinson,

Referred to the committee on the Judiciary.

House File No. 312,

Joint resolution for additional mail facilities,

Which was

Read a first and second times, and

On motion,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

House File No. 276,

A bill for an act to locate the seat of justice of Mitchell county.

Which was

Read a first and second times,

On motion of Mr. Atkins,

The bill was amended by striking out—

“E. R. Gillett,”

And inserting—

“George R. Bronson, of Chikassaw county.”

On motion,

The eleventh rule was suspended.

The bill read a third time,

Passed and the title agreed to.

House File No. 314,

A joint resolution for additional mail facilities,

Which was

Read the first and second times, and,

On motion of Mr. Jordan,

The eleventh rule was suspended,

The bill read a third time,

Passed, and title agreed to.

House File No. 313,
A joint resolution for additional mail facilities,
Which was
Read the first and second times, and
On motion of Mr. Test,
The eleventh rule was suspended,
The bill read a third time,
And passed, and the title agreed to.

House File No. 309,
A bill for an act to locate a state road from Marietta to Clear Lake,
Which was
Read the first and second times, and,
On motion of Mr. Grinnell,
Was amended by inserting in the first section "Thorp's Grove," after "Steamboat Rock."

On motion,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

Mr. Cook,
From the committee on Enrolled Bills,
Made the following report:

The committee on enrolled bills report that they have examined the following bill, and find the same correctly enrolled, viz: -

Senate File No. 225,
A bill for an act legalizing the issue of county, city and town corporation bonds in the counties of Lee and Davis.

LYMAN COOK,

Chairman:

House File No. 306,
A joint resolution in relation to a homestead,
Which was
Read a first and second times, and,
On motion of Mr. Saunders,
Was referred to the committee on Federal Relations.

House File No. 315,

A bill for an act to locate a state road from Sioux City to Rock River, in Sioux county,

Which was

Read the first and second times, and,

On motion of Mr. Test,

The eleventh rule was suspended, and

The bill read the third time,

Passed, and its title agreed to.

House File No. 318,

A joint resolution relating to school and university funds,

Which was

Read the first and second times, and,

On motion,

The eleventh rule was suspended,

The resolution read a third time,

Passed, and its title agreed to.

On motion of Mr. Coolbaugh,

The eleventh rule was suspended, and

Senate File No. 221,

A bill for an act to apportion the state and define the boundaries of the representative districts,

The bill read a third time,

Passed and the title agreed to.

House File No. 257,

A bill for an act to license the sale of liquors,

Which was

Read a first and second times, and,

On motion of Mr. Cattell,

The bill was amended by striking out section 18, after the word "repealed," and insert :

"Provided, that the act entitled an act for the suppression of intemperance, approved January 22d, 1855, be not and is not by this act repealed in any county of this state, unless the people of such county, by vote taken as herewith provided, shall adopt this act."

Mr. Saunders.

Offered as an additional section to the bill, the following :

"If any person in this state shall be found in a state of intoxication, he shall be deemed guilty of a misdemeanor, and any peace officer may, without warrant, and it is hereby made his duty to take such person into custody, and to detain him in some suitable place, until information can be made before the proper magistrate, and a warrant issued in due form, upon which he may be arrested and tried, and if found guilty, he shall be fined not less than ten dollars, and shall be imprisoned in the county jail not less than one, nor more than ten days;"

Which amendment was adopted.

Mr. Loughridge

Offered the following amendment to the first section of the bill :

"Provided, that this act shall not be so construed as to allow the sale of liquor with a view to its being drank on or about the premises where sold, but such selling shall be a violation of the provisions of this act.

Mr. Test

Offered as a substitute for the bill and amendment,

"A bill for an act for the suppression of intemperance."

Mr. Thompson

Moved to lay the substitute on the table,

On which motion

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Atkins, Carter, Cattell, Cleaver, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, McCoy, McCrary, McPherson, Rusch, Saunders, Thompson, Wilkinson, Mr. President—18.

The nays were—

Senators Anderson, Brigham, Birge, Coolbaugh, Cook, Loughridge, Ramsay, Reed, Stewart, Test, Thurston—11.

The question being on the amendment of Mr. Loughridge,

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Anderson, Cattell, Cleavor, Foster, Grinnell, Hogan, Jordan, Loughridge, Saunders—9.

The nays were—

Senators Atkins, Brigham, Birge, Carter, Coolbaugh, Cook, Jenkins, Kirkwood, McCoy, McCrary, McPherson, Ramsay, Reed, Rusch, Stewart, Test, Thompson, Thurston, Wilkinson, Mr. President—21.

Amendment lost.

Mr. Grinnell

Moved to amend by striking out "citizen" and insert "resident."

Which amendment was adopted.

Mr. Coolbaugh

Moved so to amend the bill "to permit cities and incorporated towns to adopt the provisions of the bill, and the proper authorities thereof to grant license."

Mr. Thompson

Moved the previous question.

Motion lost.

The question being upon Mr. Coolbaugh's motion to amend,

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Brigham, Birge, Coolbaugh, Cook, Foster, Hogan, Jordan, Loughridge, Ramsay, Stewart, Test, Thurston—12.

The nays were—

Senators Anderson, Atkins, Carter, Cattell, Cleaver, Grinnell, Jenkins, Kirkwood, Matthews, McCoy, McCrary, McPherson, Reed, Rusch, Saunders, Thompson, Wilkinson, Mr. President—18.

Amendment lost.

The question being upon ordering the bill to a third reading,

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Brigham, Birge, Carter, Cleaver, Coolbaugh, Cook, Grinnell, Jordan, Kirkwood, Matthews, McPherson, Ramsay, Reed, Rusch, Saunders, Stewart, Thurston, Wilkinson, Mr. President—19.

The nays were—

Senators Anderson, Atkins, Cattell, Foster, Hogan, Jenkins, Loughridge, McCoy, McCrary, Thurston—11.

Motion to order to a third reading prevailed.

On motion,

The eleventh rule was suspended, and
The bill read a third time,

Upon the passage of the bill,
The yeas and nays were demanded,
Which were as follows:

The yeas were—

Senators Brigham, Birge, Carter, Cleaver, Coolbaugh, Cook, Grinnell, Jordan, Kirkwood, Matthews, McPherson, Ramsay, Reed, Rusch, Saunders, Stewart, Thurston, Wilkinson, Mr. President—19.

The nays were—

Senators Anderson, Atkins, Cattell, Foster, Hogan, Jenkins, Loughridge, McCoy, McCrary, Test, Thompson—11.

The bill passed.

Mr. Cleaver

Moved to amend the title by striking out the word "license."

Motion lost.

Mr. Jenkins

Moved to amend by striking out the title, and inserting "An act
to encourage drunkenness."

Motion lost.

Mr. Anderson

Moved to amend the title by striking out "State of Iowa," and
inserting "in the counties where adopted."

Motion lost.

Mr. Grinnell

Moved to amend by striking out "license" and inserting "restrain."

Motion lost.

The title of the bill was agreed to.

Mr. Ramsay

Moved to take up the resolution of the House on the adjournment.

On which motion,

Mr. Ramsay

Called for the yeas and nays,

Which were ordered, and

Were as follows :

The yeas were—

Senators Coolbaugh, Hogan, Jenkins, Jordan, McCoy, McCrary, McPherson, Ramsay, Stewart, Test, Thurston, Wilkinson—13.

The nays were—

Senators Anderson, Atkins, Brigham, Birge, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Kirkwood, Loughridge, Matthews, Reed, Rusch, Saunders, Thompson, Mr. President—18.

Motion lost.

On motion,

The Senate adjourned.

SENATE CHAMBER, }
Jan. 27—9 A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Atkins,

From the committee on roads, to whom was referred sundry Senate bills, to locate state roads,

Reported the same back to the Senate,

With a substitute embodying all the bills,

Senate File No. 231,

A bill for an act to locate certain state roads therein named,

Which was

Read a first and second times, and

On his motion,

The eleventh rule was suspended,

The bill read the third time,

Passed, and title agreed to.

Mr. Atkins,

From the same committee to whom was referred numerous House bills on the same subject,

Reported the same back to the Senate,

By substitute therefor, to wit:

Senate File No. 233,

A bill for an act to locate certain state roads therein named,

Which was

Read a first and second times, and,

On his motion,

The eleventh rule was suspended,

The bill read the third time,

Passed and the title agreed to.

Mr. Atkins,

From the committee on roads, to whom was referred

Senate File No. 210,

Reported the same back to the Senate,

And recommended the indefinite postponement of the further consideration thereof,

Which report was

Concurred in by the Senate.

Mr. Stewart

Had leave to introduce

Senate File No. 233,

A bill for an act to authorize the city of Dubuque to issue bonds and subscribe to the stock of certain railroads,

Which was
 Read a first and second time, and,
 On his motion,
 Amended, and,
 On motion,
 The eleventh rule was suspended,
 The bill read a third time,
 Passed and the title agreed to.

Mr. Stewart
 Had leave to introduce
 Senate File No. 234,
 A bill for an act to alter a state road from Independence to Du-
 buque,

Which was
 Read a first and second times, and,
 On his motion,
 The eleventh rule was suspended,
 The bill was read the third time,
 Passed and the title agreed to.

Mr. Loughridge
 Had leave to introduce
 Senate File No. 235,
 A bill for an act to establish a school district in Mahaska county,
 Which was
 Read the first and second times, and,
 On his motion,
 The eleventh rule was suspended,
 The bill was read a third time,
 Passed and the title agreed to.

Mr. Kirkwood,
 From the committee on Federal relations, to whom was referred
 House File No. 306,
 A joint resolution and memorial for homestead,
 Reported the same back to the Senate, with amendment, provid-
 ing for a copy to be sent to our Senators and Representatives in
 Congress,
 Which amendment was adopted, and
 On motion,
 The eleventh rule was suspended,

The bill read a third time,
Passed, and the title amended and agreed to.

Mr. Kirkwood,

From the committee on railroads to whom was referred substitute
for

House File No. 72,

A bill for an act supplemental to an act approved July 14, 1856,
relating to a grant of lands,

Reported a substitute therefor:

Mr. Kirkwood

Had leave to withdraw the report.

Mr. Cook

Had leave to introduce

Senate File No. 236,

A bill for an act to prevent swine from running at large in Bur-
lington,

Which was

Read the first and second times, and,

On his motion,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Matthews,

From the committee on Internal Improvements, to whom was
referred

Senate File No. 170,

A bill for an act to authorize a dam across Cedar river,

Reported an amendment thereto, to-wit:

"Provided that the person erecting said dam shall be liable for
all damages caused or sustained by reason of the building of the
same,"

The amendment was concurred in by the Senate, and,

On motion,

The eleventh rule was suspended,

The bill read a third time,

Passed, and its title agreed to.

Mr. Matthews,

From the committee on Incorporations, to whom was referred
House File No. 267,

A bill to provide for actions against rafts,

Reported the same back to the Senate,

And recommended an amendment, to-wit:

Strike out "40" and insert "20,"

Which amendment was concurred in, and,

On motion,

The eleventh rule was suspended,

The bill was read a third time,

Passed, and title agreed to.

On motion of Mr. Birge,

The Senate took from the table

Senate File No. 151,

A bill for an act to legalize the articles of incorporation of the
North-West Railroad company.

The question being upon the recommendation of the committee
to indefinitely postpone the bill,

The yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Carter, Cattell, Jenkins, Kirkwood, Matthews, Mc-
Coy, McPherson, Reed, Rusch, Stewart, Thompson, Mr. President
—12.

The nays were—

Senators Anderson, Atkins, Birge, Cook, Foster, Grinnell,
Hogan, Jordan, Loughridge, McCrary, Ramsay, Saunders, Test,
Wilkinson, —16.

The bill was ordered to be read a third time to-morrow.

Mr. Test

Had leave to introduce

Senate File No. 227,

A bill for an act to fix the times of holding court in the fifth ju-
dicial district,

Which was

Read a first and second times, and

On motion,
The eleventh rule was suspended,
The bill read the third time,
Passed and the title agreed to.

Mr. Foster,
From the committee on Agriculture, to whom was referred
Senate File No. 123,
A bill for an act for the encouragement of agriculture,
Reported the same back to the Senate,
And recommended its passage,
With three additional sections.

Mr. Reed.
Moved to amend the 9th section of the bill, by striking out the words—

“One thousand,”
And inserting—
“Two thousand.”

On which motion,
The yeas and nays were demanded,
Which were as follows :

The yeas were—
Senators Atkins, Brigham, Birge, Cattell, Cleaver, Foster, Grinnell, Jenkins, Jordan, Kirkwood, McCoy, McCrary, McPherson, Reed, Rusch, Saunders, Stewart, Thompson, Thurston, Wilkinson
—20.

The nays were—
Senators Carter, Hogan, Loughridge, Matthews, Ramsay, Test,
Mr. President—7.

Motion prevailed.

Mr. Test
Moved to indefinitely postpone the bill, and
Called for the yeas and nays,
On said motion ;
Which were ordered,
And were as follows :

The yeas were—

Senators Hogan, Matthews, Ramsay, Test, Warner, Mr. President
—6.

The nays were—

Senators Atkins, Brigham, Birge, Carter, Cattell, Cleaver, Cool-
baugh, Foster, Grinnell, Jenkins, Jordan, Kirkwood, Loughridge,
McCoy, McCrary, McPherson, Reed, Rusch, Saunders, Stewart,
Thompson, Thurston, Wilkinson—23.

Motion lost.

Mr. Jenkins

Moved to amend the first additional section by striking out “re-
freshments” and inserting “intoxicating liquors.”

Amendment adopted.

Sections one and two, recommended by the committee, were con-
curred in by the Senate.

Section three was rejected by the Senate.

On motion of Mr. Foster,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Message from the House of Representatives,

By Mr. Logan, Chief Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the
following bills, in which the concurrence of the Senate is asked.

House File No. 326,

A bill for an act to vacate a state road.

Also,

House File No. 327,

A bill for an act locating a state road.

Also,

House File No. 152,

A bill for an act relating to state printing.

I herewith return the following Senate Files, the same having passed the House without amendment, to-wit :

Senate File No. 28,

A bill for an act entitled an act in relation to divorce and alimony.

Also,

Senate File No. 157,

A bill for an act to incorporate the city of St. Charles.

Also,

Senate File No. 201,

A bill for an act legalizing the sale of certain lands.

I also return

Senate File No. 159,

A bill for an act to incorporate the city of Albia, with an amendment, in which the concurrence of the Senate is asked.

Also,

Senate substitute for

House file No. 232,

A bill for an act to amend the charter of the city of Keokuk, in which substitute the House refuses to concur.

I herewith present for your signature the following House Files, the same having passed both branches of the General Assembly, been duly enrolled by the House, and signed by the Speaker :

House Files No. 174 and 221.

J. W. LOGAN,

Clerk.

Mr. Test

Had leave to introduce

Senate File No. 238,

A bill for an act to prevent hogs from running at large in the city of Council Bluffs,

Which was

Read a first and second times, and,

On his motion,

The eleventh rule was suspended,

The bill was read the third time,

Passed and the title agreed to.

Mr. Rusch

Had leave to introduce

Senate File No. 239,

A bill for an act relating to fire companies,

Which was

Read a first and second times, and

Referred to the committee on Incorporations.

On motion of Mr. Saunders,

The Senate took from the table

House File No. 130,

A bill for an act fixing the salaries of the Governor and state officers.

And amended by striking out the proviso in section three of the bill.

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Senate File No. 81,

A bill for an act making an appropriation for the Insane Asylum, returned from the House of Representatives with an amendment striking out "one hundred" before the word "thousands," and inserting "forty."

On motion of Mr. Saunders,

The Senate resolved to insist on the original bill, and

Senators Saunders, Coolbaugh and Stewart were appointed managers of a conference in relation to the disagreement of the two Houses.

Mr. Saunders.

From the committee on Ways and Means,

Reported a substitute for

House File No. 108,

A bill for an act making appropriation for Normal schools at Okaloosa and Andrew,

Which substitute was adopted, and

The 11th rule was suspended, and

The bill read the third time,

Passed and the title agreed to.

The question being
On the passage of the bill,
The yeas and nays were demanded,
Which were as follows:

The yeas were—

Senators Anderson, Brigham, Birge, Carter, Cattell, Cleaves, Coolbaugh, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Rusch, Saunders, Stewart, Thompson, Wilkinson, Mr. President—23.

The nays were—

Senators Cook, Foster, Ramsay, Reed, Test, Thurston, Warner—7.

The bill was passed and its title agreed to.

Mr. Kirkwood,
From the committee on Railroads,
Reported back to the Senate
House File No. 72,

A substitute,

Mr. Grinnell

Moved to amend the substitute in Sec. 1st, to insert—

“And one hundred dollars per mile for ten years after 1865.

Motion lost.

On adopting the substitute,
The yeas and nays were ordered,
Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brigham, Cleaver, Coolbaugh, Foster, Jenkins, Jordan, Kirkwood, Loughridge, Matthew, McCoy, McCrary, McPherson, Ramsay, Reed, Rusch, Saunders, Stewart, Test, Thompson, Thurston, Warner, Mr. President—25.

The nays were—

Senators Birge, Cattell, Wilkinson—3.

Substitute adopted.

Mr. Foster

Moved farther to amend by striking out "seventy-five dollars," and inserting "one hundred dollars."

Motion lost.

Mr. Saunders

Moved to amend by striking out the words "shall for each of the years 1862, 1863, 1864 and 1865,"

Upon which motion,

Mr. Loughridge.

Called for the yeas and nays,

Which were as follows :

The yeas were—

Senators Anderson, Atkins, Birge, Cattell, Cleaver, Cook, Foster, Loughridge, McCrary, McPherson, Saunders, Wilkinson—12.

The nays were—

Senators Brigham, Carter, Coolbaugh, Grinnell, Jenkins, Jordan, Kirkwood, Matthews, McCoy, Reed, Rusch, Ramsay, Stewart, Test, Thompson, Thurston, Warner, Mr. President—18.

Amendment lost.

Mr. Loughridge

Moved to amend by inserting the words "one-half of which shall be paid into the state treasury and the remainder divided between the county and State, as the ordinary revenue is by law divided."

Upon which amendment,

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Foster, Loughridge, McPherson—3.

The nays were—

Senators Anderson, Atkins, Brigham, Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Grinnell, Jenkins, Jordan, Kirkwood, Matthews, McCoy, McCrary, Ramsay, Reed, Rusch, Saunders, Stewart, Test, Thompson, Thurston, Warner, Wilkinson, Mr. President—29.

Amendment lost.

Mr. Birge

Moved to insert in section second of the substitute the words "after obtaining a title thereto."

Motion lost.

On motion,

The eleventh rule was suspended,

And the bill read a third time.

On the passage of the bill,

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Anderson, Atkins, Brigham, Carter, Coolbaugh, Cook, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Matthews, McCoy, McCrary, McPherson, Ramsay, Rusch, Stewart, Test, Thompson, Thurston, Warner, Mr. President—20.

The nays were—

Senators Birge, Cattell, Foster, Loughridge, Reed, Saunders, Wilkinson—7.

The bill passed and the title agreed to.

Mr. Cook,

From the committee on Enrolled Bills,

Made the following report :

The committee on enrolled bills report that they have examined the following bills, and find the same correctly enrolled, viz :

Senate Files Nos. 148, 147, 160, 209, 39, 194, 185, 190, 213 and 114,

LYMAN COOK,

Chairman.

The committee on Enrolled Bills report that they have presented the following bill to the Governor for his signature :

Senate File No. 225,

L. COOK,

Chairman.

Mr. Cattell,
From the committee on Claims, to whom was referred
Senate File No. 207,
Joint resolution for the relief of Josiah Cowles,
Reported the same back to the Senate,
And recommended an amendment, to-wit:
Strike out \$153, and insert \$59.52,
Which amendment was adopted, and
The bill was
Passed, and its title agreed to.

On motion,
The Senate adjourned.

TWO O'CLOCK, P. M.

The President
Laid before the Senate a communication from James H. Gower,
in relation to the purchase of certain University lands,
Which was
Read and laid on the table.

Mr. Kirkwood
Moved that the communication be made part of, or printed with
the Journal.
Motion lost.

From the committee on Internal Improvements, to whom was referred

Senate File No. 226,
A bill for an act authorizing a bridge to be built across the Mississippi River at Keokuk,
Reported the same back to the Senate,
And recommended its passage.

Which report
Was concurred in,
And the bill
Passed, and its title agreed to.

House File No. 65,
A bill for an act to locate an asylum for the deaf and dumb,
Which was
Read the first and second times.

Mr. Kirkwood

Moved to refer the bill to the committee on Charitable Institutions.

On which motion,
The yeas and nays were demanded,
Which were as follows :

The yeas were—

Senators Anderson, Cattell, Coolbaugh, Kirkwood, McCoy, Reed, Saunders, Stewart, Mr. President—9.

The nays were—

Senators Atkins, Brigham, Birge, Carter, Cleaver, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Loughridge, Matthews, McCrary, McPherson, Ramsay, Rusch, Test, Thurston, Trimble, Warner, Wilkinson—22.

Motion to refer lost.

Mr. Reed

Moved to amend the bill, to strike out—

“ Winterset, Madison county,”

And insert—

“ Fairfield, in Jefferson county.”

Motion lost.

Mr. Test

Moved to suspend the 11th rule, and

That the bill be read a third time now.

Motion lost.

Mr. Jenkins

Moved to strike out—

"Winterset, in Madison county,"

And insert—

"Maquoketa, in Jackson county."

Motion lost.

Mr. Wilkinson

Moved to strike out "Winterset," and insert "Muscatine."

Motion lost.

The bill was ordered to be read a third time to-morrow.

Mr. Grinnell,

From the committee on Schools, to whom was referred

Senate File No. 219,

And

House File No. 224,

Reported a substitute for said bills.

Mr. Thurston

Moved to lay the substitute on the table,

Upon which motion,

The yeas and nays were demanded,

Which were as follows

The yeas were—

Senators Anderson, Atkins, Brown, Birge, Carter, Coolbaugh, Foster, Jordan, Loughridge, McCoy, McCrary, Ramsay, Saunders, Stewart, Test, Thurston, Trimble, Warner, Wilkinson—18.

The nays were—

Senators Cook, Grinnell, Jenkins, Kirkwood, Matthews, McPherson, Reed, Rusch, Thompson, Mr. President—12.

Motion prevailed.

The committee

Also recommended two amendments to

Senate File No. 219,

Strike out of section first the words,

"Having a population of 3000 inhabitants."

Also,

Add an additional section, to wit :

"Provided, That none of the several counties which have received any of the five per cent. fund, shall receive any of the said fund

named, until such counties would be entitled to the same by an equal apportionment of the whole amount heretofore divided among the several organized counties of the state.

The Senate adopted the first amendment.

Mr. Trimble

Offered the following substitute for the second amendment:

Provided, That in making said apportionment, it shall be made upon a basis of the aggregate amount of the permanent common school fund now belonging to the State, and the treasurer, in distributing to the various counties, shall treat all such monies as are now in the hands of the school fund commissioners of the respective counties, or in the hands of individuals in such counties, as so much already distributed under the apportionment contemplated by this act.

Upon which substitute,

The yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Cattell, Cleaver, Foster, Grinnell, Jenkins, Matthews, McCoy, McPherson, Ramsay, Test, Thompson, Trimble, Wilkinson, —13.

The nays were—

Senators Anderson, Atkins, Brigham, Birge, Carter, Cook, Hogan, Jordan, Kirkwood, Loughridge, Reed, Rusch, Saunders, Stewart, Thurston, Warner, Mr. President—18.

Substitute was not adopted.

Second amendment of the committee concurred in, and,

On motion,

The eleventh rule was suspended,

The resolution read a third time,

Passed, and its title agreed to.

The Committee on Enrolled Bills, report,

That they have presented to His Excellency, the Governor, for his approval, the following bills, viz:

Senate Files, Nos. 147, 160, 209, 39, 194, 185, 114, 213 and 190.

LYMAN COOK,

Chairman.

Message from the House of Representatives,
By Mr. Logan, Clerk.

MR. PRESIDENT:

I herewith return

Senate File No. 221,

And

Senate File No. 224,

The same having passed the House of Representatives without amendment.

J. W. LOGAN,

Clerk.

Mr. Matthews,

From the committee on Incorporations, to whom was referred
House File No. 184,

A bill for an act relating to the charter of the city of Dubuque,

Reported the same back to the Senate,

And recommended an amendment to Sec. 20, to-wit:

Strike out the words "liquor saloons and dram shops."

Upon concurring in which amendment,

The yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Anderson, Atkins, Brigham, Birge, Carter, Cattell,
Cleaver, Cook, Foster, Grinnell, Jordan, Kirkwood, Loughridge,
Matthews, McCoy, McCrary, McPherson, Reed, Saunders, Thompson,
Wilkinson—21.

The nays were—

Senators Coolbaugh, Jenkins, McCulloch, Ramsay, Test, Rusch,
Stewart, Trimble, Warner, Mr. President—10.

Amendment adopted.

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Matthews,

From the committee on Incorporations, to whom was referred
House File No. 264,

A bill for an act to establish a ferry,

Reported the same back to the Senate,

And recommended an amendment thereto:

Report concurred in,

And the bill

Passed and the title agreed to.

On motion of Mr. Coolbaugh,

The Senate re-considered the vote by which was passed

House File No. 311,

A bill for an act to incorporate the city of Muscatine.

Mr. McCrary

Offered the following resolution:

Resolved, That 1200 copies of the Journal of the Senate be
printed and distributed as follows:

Five copies to each member of the Senate.

Ten copies to each organized county of the State,

And the remainder to be deposited in the office of the Secretary
of State.

Resolved, That for superintending, indexing and distributing said
Journal and Appendix, as provided for, the Secretary of the Senate
shall be allowed the sum of four hundred dollars.

Mr. Grinnell

Moved to insert the words "Assistant Secretary" after the word
"Secretary," in the second resolution.

Motion lost.

Mr. Matthews

Moved to amend by inserting 1200 copies of the appendix.

Motion lost.

Mr. Ramsay

Moved to amend by striking out "1200 copies" and inserting
"400 copies."

Motion lost.

On motion of Mr. McCrary,

"1200 copies" was struck out and "1000 copies of the Journal and Appendix" inserted.

On motion of Mr. Ramsay,

"Ten" before the words "each organized county," was struck out, and "five" inserted.

Mr. Trimble,

From the committee to whom was referred a resolution relating to the appendix to the journal,

Reported that the committee recommended the printing of no documents as appendix, and of no appendix with the journal.

Mr. Kirkwood

Moved to amend the report by adding the report of the Des Moines River commissioner, and the report of the committees to investigate the affairs of the Des Moines River Improvement, and the affairs of the Superintendent of Public Instruction, and other state officers.

The amendment was amended by ordering the report of said committees only, exclusive of the testimony and accompanying documents, and that said testimony and accompanying documents be deposited with the secretary of state.

The amendment was concurred in, and the report as amended, was adopted.

Mr. Cleaver,

From the committee on Internal Improvements, to whom was referred

Senate File No. 220,

A bill for an act relating to the Des Moines River Improvement,

Reported a substitute for said bill.

Mr. Jenkins

Offered the following amendment to the substitute:

To Sec. 1st add—

"In case of a disagreement between the commissioners, as to the terms of the contract or settlement, the attorney general shall act as a third commissioner, and any two of the commissioners shall have

power to act. Any settlement or contract entered into by said commissioners, shall not be valid until approved by the Governor.

On motion of Mr. Brigham,
The Senate adjourned till 6 1-2 o'clock P. M.

HALF PAST SIX O'CLOCK, P. M.

Message from the House of Representatives,
By Mr. Logan, Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed
House File No. 275,

And refuses to concur in the amendments of the Senate to
House file No. —,

A bill for an act to license the sale of liquors, &c.

J. W. LOGAN,
Clerk.

The question before the Senate being

The amendments of Mr. Jenkins, to the substitute of committee
for a bill for an act relating to the Des Moines River Improvement,
The Senate agreed to the amendment.

Mr. Loughridge

Offered the following as an additional amendment to the bill :

“ In case a contract is made with any person or persons, the provisions of the contract shall be such that the lands donated by Congress for said Improvement, and yet remaining unsold, shall be faithfully applied to said work at their actual value, either by being used in the manner hereinafter provided, or by being taken by the contracting party at a fair valuation. . Provided, That any dispositions of

said lands shall be in strict compliance with the terms and conditions of the act of Congress donating the same."

The amendment was adopted.

Mr. Loughridge

Offered the following amendment to Sec. 3,

"In case it is necessary, in order to carry out the provisions of this contract, to value any of the lands, the same shall be valued by three persons, who shall be citizens of this State, and who shall be chosen as follows: One by the Attorney-General, one by the Governor of the State, and one by the Commissioner of said Improvement; who shall appraise the required amounts of said land, at their actual cash value, at the time of such valuation, and the said appraisers shall first subscribe an oath that they will faithfully and impartially perform the said duty."

On which amendment,

The yeas and nays were demanded,

Which were as follows:

The yeas were—

Senators Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Foster, Grinnell, Hogan, Jenkins, Jordan, Loughridge, Matthews, McCoy, McPherson, Reed, Rusch, Saunders, Stewart, Test, Thompson, Mr. President—21.

The nays were—

Senators Brigham, McCrary, Ramsay, Thurston, Trimble, Wilkinson—6.

Amendment adopted.

Mr. Ramsay,

Moved to lay the bill on the table.

On which motion,

The yeas and nays were demanded,

And were as follows:

The yeas were—

Senators McCrary, Ramsay, Trimble, Wilkinson—4.

The nays were—

Senators Anderson, Brigham, Birge, Carter, Cattell, Cleaver, Coolbaugh, Cook, Dale, Foster, Grinnell, Hogan, Jenkins, Jordan, Loughbridge, Matthews, McCrary, McPherson, Reed, Rusch, Saunders, Stewart, Test, Thompson, Thurston, Mr. President—26.

Motion lost.

The eleventh rule was suspended, and

The bill was

Ordered to a third reading.

The question being on the passage of the bill,

The yeas and nays were ordered,

And were as follows:

The yeas were—

Senators Brigham, Carter, Cattell, Cleaver, Coolbaugh, Cook, Foster, Grinnell, Jenkins, Kirkwood, Loughbridge, Matthews, McCoy, McPherson, Reed, Rusch, Saunders, Stewart, Test, Thompson, Mr. President—20.

The nays were—

Senators Anderson, McCrary, McPherson, Ramsay, Thurston, Trimble—6.

The bill passed and the title agreed to.

Mr. Reed

Had leave to introduce

Senate File No. 240,

A bill for an act for the relief of Joseph Ball,

Which was

Read the first and second times, and,

Referred to the committee on the Judiciary.

Message from the House of Representatives,

By Mr. Logan, Chief Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the following bills, in which the concurrence of the Senate is asked.

House Files Nos. 324, 298, 273, 310, 331, 330, 335, 333, 337, 339, 336, 253.

I herewith return the following Senate Files, the same having passed the House without amendment, to-wit :

Senate Files Nos. 138, 226, 207, 226, 280, 238, 235, 169, 222, 233, 189, 227, 234, 170, 23.

I also return

Senate File No. 123,

A bill for an act for the encouragement of Agriculture,

With an amendment,

In which the concurrence of the Senate is asked.

I am also directed to inform the Senate that the House refuses to concur in the amendment of the Senate to

House File No. 130,

A bill for an act fixing the salaries of the Governor and state officers.

J. W. LOGAN,
Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following bills, in which the concurrence of the Senate is asked.

House File No. 328,

A bill for an act to incorporate the city of Burlington.

I herewith present for your signature the following House Files, the same having passed both branches of the General Assembly, been duly enrolled by the House, and signed by the Speaker :

House Files Nos. 197, 41, 282, 274, 34, 172, 246.

I herewith return the following Senate Files,
The same having passed the House without amendment.

Senate Files Nos. 77, 214, 237.

J. W. LOGAN,
Clerk.

On motion,
The Senate adjourned.

SENATE CHAMBER, }
JAN. 28, 1857, 9 O'CLOCK A. M. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The President

Laid before the Senate the following message from the Governor :

EXECUTIVE OFFICE, }
JANUARY, 28TH, 1857. }

To the President of the Senate :

I return "An act giving the United States, jurisdiction and exemption from taxation, over and upon all lands purchased as sites for public buildings, in Iowa," without my approval.

This bill grants *exclusive civil* and *criminal* jurisdiction over all lands purchased, or, that may be purchased by the United States, within this state, and exempts them from taxation for any purpose whatever, providing that the United States shall erect thereon buildings for the public use.

It may be the policy of the state to exempt such lands from taxation, but I much doubt if a substantial reason can be assigned for granting to the United States *exclusive criminal jurisdiction* in such cases.

I can never consent that a *criminal* process issued under the authority of the state, for the violation of state laws, shall be powerless against the offender, whenever he passes the threshold of a building belonging to the Federal Government.

I would much prefer that the United States should never expend a dollar in the purchase of land, and the erection of public buildings

within the state than to sacrifice the principle of state sovereignty in so essential a particular.

Your Obt. Servt.,

JAMES W. GRIMES.

The question being,

Shall the bill pass, notwithstanding the veto of the Governor?

The vote was as follows:

The yeas were—

Senators 0.

The nays were—

Senators Anderson, Atkins, Birge, Cattell, Cleaver, Grinnell, Hogan, Jordan, Kirkwood, Matthews, McCoy, McCrary, McPherson, Reed, Rusch, Saunders, Stewart, Test, Thompson, Thurston, Warner, Wilkinson, Mr. President.—28.

Mr. Stewart,

Had leave to introduce

Senate File No. 241,

A bill for an act giving jurisdiction to the United States, and exempting from taxation certain lands,

Which was

Read a first and second times, and

On motion of Mr. Anderson,

The eleventh rule was suspended, and

The bill read the third time,

Passed and the title agreed to.

On motion of Mr. Trimble,

The Senate took from the table,

Senate File "B" 29,

A bill for an act to provide for appeals in criminal cases.

Which was

On motion,

Read the third time,

Passed and the title agreed to.

BILLS ON THIRD READING.

Senate File No. 171,
Returned from the House with two amendments,
Which were concurred in and bill passed.

Message from the House of Representatives,
By Mr. Logan, Chief Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the following bills, in which the concurrence of the Senate is asked:

House Files Nos. 340 and 341.

The House has also passed
Joint resolutions Nos. 342 and 343.

I herewith return

Senate File No. 72,

Passed the House with an amendment, in which the concurrence of the Senate is asked.

J. W. LOGAN,
Clerk.

Senate File No. 127,

Returned from the House of Representatives with an amendment, which was concurred in.

Senate File No. 78,
A bill for an act to amend chapter 64 of the Code of Iowa,
Was taken from the table,
And read the third time.

Upon the passage of the bill,
The yeas and nays were demanded,
Which were as follows:

The yeas were—

Senators Anderson, Atkins, Cattell, Cleaver, Cookbaugh, Hagan, Jordan, Kirkwood, McCoy, McCrary, McPherson, Ruch, Saunders, Thompson, Mr. President—15.

The nays were—

Senators Birge, Grinnell, Jenkins, Loughridge, Stewart Test, Thurston, Trimble, Warner, Wilkinson—11.

The bill passed and the title agreed to.

Senate File No. 197,

The bill was read a third time,

Passed, and title agreed to.

Senate File No. 180,

Was read the third time.

Passed and the title agreed to.

Senate File No. 127,

A bill for an act to amend chapter 48 of the acts of 1852-3, relating to supervisors of Roads,

Which was read a third time,

Passed, and its title agreed to.

House File No. 242,

A bill for an act to vacate a part of a state-road in Lee county,

Which was read a third time,

And passed, and the title agreed to.

Which was

Read the third time,

Passed and the title agreed to.

House File No. 206,

A bill for an act fixing the times of holding court in the sixth judicial district,

Was read a third time, and

Passed, and the title agreed to.

Senate File No. 145,

Amended by the House, and

Amendment concurred in by the Senate.

Senate File No. 159,

A bill for an act to fix the weight of lime and sand,

Amended by the House, and

Amendment concurred in, and

The bill passed.

House substitute for

Senate File No. 27,

A bill for an act to regulate the service of original notice.

Mr. Loughridge

Moved to refer the bill to the committee on the Judiciary.

Motion lost.

Mr. Trimble

Moved to amend the substitute in section six, by inserting—

“Where a proceeding is against lands, or a defendant in case of foreclosure, the right of redemption under the laws now in force,”

Which amendment was agreed to, and

The substitute as amended agreed to.

Message from the House of Representatives,

By Mr. Logan, Clerk.

MR. PRESIDENT:

The House of Representatives has passed

House File No. 344 and 210,

Also, with amendment,

Senate File No. 218,

In which bills and amendments the concurrence of the Senate is asked.

J. W. LOGAN,

Clerk.

The committee on enrolled bills report that they have examined the following bills and find them correctly enrolled, to wit:

Senate Files No. 206, 28, 157, 191, 217, 166, 228, 229, 183, 27, 108, 175, 212, 102, 224, and 221.

LYMAN COOK,

Chairman.

Mr. Saunders

Offered the following resolutions:

Resolved, That the Secretary of the Senate and the Assistant Secretary be allowed each five dollars per day for their services during the present session.

Resolved, That the Sergeant-at-Arms and the Door-keeper of the Senate, be each allowed three dollars per day for their services.

ring the present session ; and that the Messengers be allowed each two dollars per day ; and that the Fireman be allowed three dollars per day.

Mr. Coolbaugh

Moved to amend the resolution by striking out "two dollars" and inserting "one dollar and fifty cents" for Messengers.

On motion of Mr. Cattell,

The resolution and amendment were

Referred to the committee on Ways and Means.

Senate File No. 58,

A bill for an act to protect game.

Amended by the House of Representatives,

Amendment concurred in,

And the bill passed as amended.

House File No. 282,

A bill for an act to amend the charter of the city of Keokuk,

The amendment of the House of Representatives,

Was concurred in,

And the bill passed.

House File No. 180,

A bill for an act fixing the salaries of the Governor, and other State officers.

Amended by the Senate.

The House having refused to concur,

In the amendment of the Senate,

The question being

Shall the Senate recede from its amendment?

The yeas and nays were demanded,

And were as follows:

The yeas were—

Senators Anderson, Atkins, Brown, Birge, Carter, Cattell, Clearer, Dale, Grinnell, Hogan, Jordan, Matthews, McCulloch, McPherson, Neal, Ramsay, Rush, Thompson, Wilkinson, Mr. President

The nays were—

Senators Brigham, Brown, Birge, Coolbaugh, Cook, Dale, Foster, Jenkins, Kirkwood, Loughridge, McCoy, McCrary, Reed, Saunders, Stewart, Test, Thurston, Trimble, Warner—16.

The Senate refused to recede, and

On motion,

Senators Loughridge, McPherson and Saunders were appointed managers of a conference, on the part of the Senate.

Senate File No. 123,

A bill for an act for the encouragement of agriculture.

Which was

Amended by the House.

The Senate concurred in the amendment,
And the bill passed.

House-File No. 275,

A bill for an act to amend an act for the suppression of intemperance,

Was read the first and second times.

Mr. Loughridge

Moved to strike out section 4 of the bill.

Upon which amendment,

The yeas and nays were demanded,
Which were as follows:

The yeas were—

Senators Brigham, Birge, Coolbaugh, Cook, Hogan, Loughridge, Ramsay, Reed, Stewart, Test, Thurston, Trimble, Warner—13.

The nays were—

Senators Anderson, Atkins, Carter, Catell, Cleaver, Foster, Grinnell, Jeneins, Jordan, Kirkwood, Matthews, McCoy, McCrary, McCulloch, McPherson, Rusch, Saunders, Thompson, Wilkinson, Mr. President—19.

Motion to strike out lost.

Mr. Trimble

Offered a substitute for the bill.

Mr. Matthews

Moved to lay the substitute on the table.

Upon which motion,

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Anderson, Atkins, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Jenkins, Jordan, Kirkwood, Loughbridge, Matthews, McCoy, McCrary, McCulloch, McPherson, Reed, Rusch, Saunders, Thompson, Wilkinson, Mr. President—21.

The nays were—

Senators Brigham, Birge, Coolbaugh, Hogan, McCulloch, Ramsay, Stewart, Test, Thurston, Trimble, Warner—10.

Motion prevailed.

The question being upon ordering the bill to a third reading,

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Anderson, Atkins, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Jenkins, Jordan, Kirkwood, Loughbridge, Matthews, McCoy, McCrary, McPherson, Reed, Rusch, Saunders, Wilkinson, Mr. President—21.

The nays were—

Senators Brigham, Birge, Coolbaugh, Hogan, Ramsay, Stewart, Test, Thurston, Trimble, Warner—10.

Motion prevailed.

On motion of Mr. Foster,

The eleventh rule was suspended,

The bill read a third time,

Upon the passage of the bill,

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Anderson, Atkins, Carter, Cattell, Cleaver, Cook, Fos-

ter, Grinnell, Jenkins, Jordan, Kirkwood, Loughbridge, Matthews, McCoy, McCrary, McPherson, Reed, Rusch, Saunders, Wilkinson, Mr. President—21.

The nays were—

Senators Brigham, Birge, Coolbaugh, Ramsay, Stewart, Test, Thompson, Trimble, Warner—9.

The bill passed, and title agreed to.

House File No. 257,

Returned from the House of Representatives, the House having refused to concur in the amendment of the Senate, adding section 19.

The question being

On receding from the amendments of the Senate,

The yeas and nays were ordered,

And were as follows:

The yeas were—

Senators Anderson, Atkins, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Jenkins, Jordan, Kirkwood, Loughbridge, Matthews, McCoy, McCrary, McPherson, Reed, Rusch, Thompson, Mr. President—20.

The nays were—

Senators Brigham, Birge, Coolbaugh, Hogan, Ramsay, Saunders, Stewart, Test, Thurston, Trimble, Warner, Wilkinson—12.

The Senate receded, and

The bill passed without amendment.

BILLS ON THEIR FIRST READING.

House File No. 152,

A bill for an act relating to the state printing,

Which was

Read the first and second times.

Mr. Foster

Moved to amend section 2 by striking out "60," and inserting "70," before the words "per token."

Amendment lost.

Further action upon the bill suspended.

Mr. Matthews

From the committee on Incorporations, to whom was referred
Senate File No. 239,

A bill for an act for the encouragement of fire companies,

Reported same back to the Senate, and

Recommended an amendment thereto, in relation to publication.

Amendment concurred in, and

The bill read a third time,

Passed and the title agreed to.

On motion,

The Senate took up the resolution of the House of Representatives relating to adjournment.

On motion,

The resolution was amended to read—

Resolved, (the Senate concurring.) That the General Assembly will adjourn, *sine die*, on Thursday, the 29th day of January, A. D. 1857.

The resolution as amended was concurred in.

On motion,

The Senate adjourned.

TWO O'CLOCK, P. M.

House File No. 152,

A bill for an act relating to State printing,

The bill was read the third time,

Passed and the title agreed to.

BILLS ON THEIR FIRST READING.

House File No. 341,

A bill for an act regulating taxes on non-resident stock-holders in the Mississippi and Missouri Railroad.

Which was

Read a first and second times, and,

On motion,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Brigham,

Had leave to introduce

House File No. 242,

A bill for an act in relation to the record of judgments, in the district court of Lee county,

Which was

Read a first and second times, and,

On his motion,

The eleventh rule was suspended,

The bill was read the third time,

Passed and the title agreed to.

Mr. Cook,

From the committee on Enrolled Bills,

Made the following report :

The committee on Enrolled Bills report

That they have presented to his Excellency the Governor, for his approval, the following bills, viz :

Senate Files Nos. 206, 166, 217, 133, 228, 27, 239, 224, 221, 102, 212, 28, 175, 157, 208, and 191.

L. COOK,
Chairman.

Senate File No. 242,

A bill for an act concerning the school monies,

Was returned from the House,

With one amendment.

The Senate concurred in the amendment.

Senate File No. 105,

A bill for an act in relation to the assessment of property,

Was returned from the House,

With certain amendments.

The Senate concurred in the amendments.

House File No. 311,

A bill for an act establishing the boundaries of the city of Muscatine,

On motion of Mr. Wilkinson,

The further consideration of the bill was indefinitely postponed.

Mr. Colbaugh,

From committee of conference relating to the disagreement of the two Houses on the amendment of the House to

Senate File No. 81,

A bill for an act making further appropriations for the State Insane Asylum,

Recommended that the Senate do insist upon not concurring in the amendment.

The Senate concurred in the amendment.

House File No. 63,

A bill for an act to locate the asylum for the deaf and dumb, and to provide for their education,

Was read a third time.

Mr. Jenkins

Moved to indefinitely postpone the further consideration of the bill.

Upon which motion,

The yeas and nays were ordered,

And were as follows:

The yeas were—

Senators Cattell, Hogan, Jenkins, Kirkwood, McCoy, McCrary, Reed, Stewart, Mr. President—26.

The nays were—

Senators Anderson, Atkins, Brigham, Birge, Cleaver, Grinnell,

Loughridge, Matthews, McPherson, Rusch, Thurston, Warner, Wilkinson—13.

Motion lost.

On motion of Mr. Kirkwood,
A call of the Senate was ordered.

Senators Foster, Jordan, McCulloch, Neal, Ramsay, Saunders, Thompson and Trimble were found to be absent.

On motion,
Mr. Trimble was excused.

On motion of Mr. McPherson,
Further proceedings under the call were dispensed with.

The question being
On the passage of the bill,
The yeas and nays were demanded,
Which were as follows:

The yeas were—
Senators Anderson, Brigham, Birge, Cleaver, Foster, Grinnell, Loughridge, McPherson, Thurston, Trimble, Warner, Wilkinson—13.

The nays were—
Senators Atkins, Carter, Cattell, Coolbaugh, Cook, Hogan, Jenkins, Jordan, Kirkwood, Matthews, McCoy, McCrary, Ramsay, Reed, Rusch, Saunders, Stewart, Thompson, Mr. President—18.
Bill not passed.

Mr. Saunders,
From committee on Ways and Means,
Reported the following resolutions:

Resolved, That the Secretary and Assistant Secretary of the Senate, be each allowed the sum of five dollars per day, for their services during the present session; that the Enrolling and Engrossing Clerks be each allowed the sum of four dollars per day; that the Sergeant-at-Arms, the Door-keeper, and each Fireman, be allowed the sum of three dollars per day; and that the principal Messenger be allowed two dollars a day; and that the assistant Messenger and each Paper-folder be allowed one dollar and fifty cents per day.

Mr. Wilkinson

Moved to strike out \$1.50 for the Messengers, and insert \$2.00.
Motion lost.

The resolution was adopted.

Mr. Saunders,
Offered the following resolution,
Which was adopted:

Resolved, That P. B. Bradley be allowed the sum of five dollars per day, for the time he has been engaged as Assistant Secretary.

Message from the House of Representatives,
By Mr. Logan, Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the following bill, in which the concurrence of the Senate is asked.

House File No. 346,

A bill for an act appropriating money for the expense of the State, and for other purposes.

J. W. LOGAN,
Clerk.

Mr. Coolbaugh
Offered the following resolution,
Which was adopted:

Resolved, That the Rev. Thomas Morong be allowed the sum of one hundred dollars for his services as Chaplain of the present session.

Message from the House of Representatives,
By Mr. Logan, Chief Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has refused to concur in the report of the committee of conference, upon
Senate File No. 81,

A bill for an act making appropriations to the State Insane Asylum.

J. W. LOGAN,
Clerk.

Mr. Trimble

Offered the following resolution :

Resolved, That the Secretary of State be, and he is, hereby authorized and required to furnish each member of the Senate, with five copies each of the Debates and Journals of the Constitutional Convention, now in session, in Iowa City, as soon as the same are published.

Provided, That upon request being made by any member to said Secretary, the said Secretary shall furnish (in lieu of any one copy of the Debates in Convention and Journals inclusive,) one copy of either of the reports of the Supreme Court of the State of Iowa.

Mr. Anderson

Moved to strike out all of the last part of the resolution commencing with the word "provided,"

Which motion was lost.

The question being,
On the adoption of the resolution,
The yeas and nays were demanded,
And were as follows :

The yeas were—

Senators Brigham, Birge, Cattell, Coolbaugh, Foster, Jenkins, Jordan, Loughbridge, Matthews, McCoy, McPherson, Reed, Rusch, Stewart, Test, Thompson, Thurston, Trimble, Warner, Mr. President.—20.

The nays were—

Senators Anderson, Atkins, Cleaver, Grinnell, Hogan, Kirkwood, McCrary, Ramsay, Saunders, Wilkinson.—10.

Resolution adopted.

Message from the House,
By Mr. Hepburn, Assistant Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed
House File No. 180,

A bill for an act to provide for the purchase of Webster's Unabridged Dictionary for the school districts of the state.

W. P. HEPBURN,
Ass't Clerk H. R.

On motion of Mr. Test,
The Claim of John W. Lane was taken from the table.

On motion of Mr. Grinnell,
The claim was
Referred to the committee on Ways and Means.

Message from the House of Representatives,
By Mr. Logan, Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has appointed Messrs. Barker, Cloud and Wooden as a committee of conference on the bill regulating the salaries of the state officers.

J. W. LOGAN,
Clerk.

Senate substitute for
House File No. 72,

A bill for an act supplemental and amendatory to an act approved July 14th, 1856, in relation to a grant of lands for railroad purposes,

Returned from the House with an amendment, which the Senate concurred in.

On motion of Mr. Saunders,
House File No. 346,

Bill for an act appropriating money for the expenses of the state and other purposes,

Was referred to the committee on Ways and Means.

Mr. Anderson,
From the committee on Judiciary, to whom was referred
Senate File No. 240,

A bill for an act for the relief of Joseph Ball,

Reported the same back to the Senate, and recommended its passage.

The bill was read the third time.

The question being, on its final passage,
The yeas and nays were ordered, and
Were as follows:

The yeas were—

Senators Anderson, Atkins, Brigham, Birge, Carter, Cattell, Cleaver, Coolbaugh, Foster, Grinnell, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, Reed, Rusch, Saunders, Thompson, Trimble, Warner, Wilkinson, Mr. President—25.

The nays were—

Senators Cook, Ramsay, Stewart, Test, Thurston—5.

The bill passed and the title agreed to.

Mr. Cook,
From the committee on Enrolled Bills,
Made the following report:

The committee on Enrolled Bills report
That they have examined the following bills, and find them correctly enrolled, viz:

Senate Files Nos. 171, 233, 214, 234, 270, 238, 222, 197, 138, 226, 237, 227, 77, 189, 236, 207, 235, 180, 230, 187, 219, 231, 241, 195, 159, 58, 168, 123, 232, 145.

L. COOK,
Chairman.

Message from the House,
By Mr. Logan, Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has concurred in the resolution in relation to adjournment.

J. W. LOGAN,
Clerk.

Mr. Grinnell
● Had leave to introduce
Senate File No. 243;

A bill for an act to require the Superintendent of Public Instruction to pay over certain monies,

Which was
 Read the first and second times, and,
 On motion of Mr. Jenkins,
 Was referred to the committee on Schools.

House File No. 38,
 A bill for an act concerning fences,
 Was read the third time,
 Passed and the title agreed to.

Mr. Brigham
 Had leave to introduce
 Senate File No. 245.
 An act relating to the bonds of the Keokuk, Fort Des Moines and
 Minnesota Railroad company,
 Which was
 Read the first and second times, and
 On motion,
 The eleventh rule was suspended,
 The bill read a third time,
 Passed and the title agreed to.

Mr. Matthews
 Offered the following resolution,
 Which was not adopted :
Resolved, That fifteen hundred copies of the state documents be
 printed and distributed with the Senate Journal, the same having
 been already printed.

Mr. Carter,
 From the committee on New Counties, to whom was referred
 House File No. 261,
 A bill for an act to locate the county seat of Chickasaw county,
 Reported the same back to the Senate,
 And recommended its passage.

Mr. Test
 Moved to amend by adding an additional section, to-wit :
 "The act in relation to county seats, approved January, 1855, is
 hereby repealed."
 Amendment lost.

On motion of Mr. Atkins,
The bill was amended by striking out "re" before "locate."

The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

Mr. Thurston
Had leave to introduce
Senate File No. 245,
A bill for an act amendatory to an act in relation to county-seats.

Mr. Brigham
Moved to lay the bill on the table.

On which motion,
Mr. Thurston
Demanded the yeas and nays,
Which were ordered,
And were as follows:

The yeas were—
Senators Anderson, Atkins, Brigham, Cattell, Cleaver, Kirkwood,
Matthews, McCrary, McPherson, Ramsay, Test, Thompson—12.

The nays were—
Senators Birge, Carter, Coolbaugh, Cook, Jordan, Loughridge,
McCoy, Reed, Rusch, Saunders, Thurston, Trimble, Warner, Wil-
kinson, Mr. President—15.
Motion lost.

On motion of Mr. Thurston,
The eleventh rule was suspended, and
The bill was read a third time.

The question being on its final passage,
The yeas and nays were ordered,
And were as follows:

The yeas were—
Senators Birge, Carter, Cleaver, Coolbaugh, Foster, Jenkins, Jor-
dan, Matthews, McCoy, Rusch, Stewart, Thurston, Trimble, War-
ner, Wilkinson—15.

The nays were—

Senators Anderson, Atkins, Brigham, Cattell, Cook, Grinnell, Hogan, Kirkwood, Loughridge, McCrary, McPherson, Ramsay, Saunders, Test, Thompson—15.

Bill not passed.

Message from the House of Representatives,
By Mr. Logan, Clerk.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House of Representatives has concurred in the report of the committee of conference on the Bill for an act fixing the salaries of Governor and state officers.

Also, that the House has passed

House File No. 249,

A bill for an act to change the name of Newcastle, to Webster City,

In which the consent of the Senate is asked.

I herewith return the following

Senate File No. 78,

An act to amend chapter 64 of the code of Iowa,

The same having passed the House without amendment.

W. P. HEPBURN,
Ass't Clerk.

Senate File No. 163,

A bill for an act fixing the time of holding court in the third judicial district,

Was read the third time,

Passed and the title agreed to.

Mr. Anderson,

From the committee on the Judiciary, to whom was referred

House File No. 195,

A bill for an act authorizing the Supreme and District courts to adopt rules to regulate the practice of law in civil cases,

Reported the same back to the Senate with two amendments,

Which were adopted.

The bill as amended, read the third time,

• Passed and the title agreed to.

Message from the House of Representatives,
By Mr. Logan, Clerk.

MR. PRESIDENT :

I herewith present for your signature the following House Files the same having passed both branches of the General Assembly, been duly enrolled by the House, and signed by the Speaker :

House Files No. 240, 284, 267, 108, 313, 308, 315, 206, 264, 315, 306, 263, 275, 34, 242, 177, 276, 128, 208, 184, 232, 312, 141, 132.

J. W. LOGAN,
Clerk.

Mr. Kirkwood,

From the committee on Federal Relations, to whom was referred
House File No. 304,

A joint resolution in relation to the independence of Liberia,

Reported the same back to the Senate, and

Recommended its passage.

The resolution was read the third time,

Passed and the title agreed to.

Mr. Cook,

From the committee on enrolled bills, made the following report :

The committee on Enrolled Bills, report,

That they have presented to His Excellency, the Governor, for his approval, viz :

Senate Files Nos. 171, 233, 214, 234, 170, 238, 222, 197, 138, 226, 237, 227, 77, 189, 286, 207, 235, 180, 230, 137, 219, 231, 241, 105, 159, 58, 168, 123, 232, 145 and 5.

COOK,
Chairman.

On motion of Mr. Coolbaugh,
The Senate adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

BILLS ON THEIR FIRST READING.

House File No. 349,

A bill for an act to change the name of New Castle to Webster City.

Which was

Read the first and second times, and

On motion,

The eleventh rule was suspended, and

The bill read a third time,

Passed and the title agreed to.

House File No. 280,

A bill for an act to purchase Webster's Unabridged Dictionary, for the school districts of the State.

Which was

Read a first and second times.

Mr. Test

Moved to amend by striking out—

"Webster's Unabridged Dictionary,"

And inserting—

"Holy Bible."

Motion lost.

Mr. Cattell

Moved to suspend the eleventh rule.

On which motion,

The yeas and nays were demanded,

And were as follows :

The yeas were—

Senators Atkins, Cattell, Cleaver, Coolbaugh, Foster, Grinnell, Hogan, Loughbridge, Matthews, McCoy, McCrary, McPherson, Reed, Rusch, Thurston, Trimble, Wilkinson, Mr. President—18.

The nays were—

Senators Anderson, Carter, Cook, Kirkwood, Ramsay, Saunders, Stewart, Test—8.

Motion prevailed.

House File No. 247,

A bill for an act to amend an act entitled an act to incorporate Iowa City.

Which was

Read the first and second times, and,

On motion,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

House File No. 253,

A bill for an act to complete the State House at Iowa City.

Which was

Read a first and second times, and,

On motion of Mr. Kirkwood,

The bill was laid on the table.

On motion of Mr. Coolbaugh,

The Senate re-considered the vote by which it refused to concur in the amendment of the House to

Senate File No. 81.

Mr. Grinnell,

Had leave to introduce

Senate File No. 247,

A bill for an act relating to the school laws.

Which was

Read a first and second times,

On his motion,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

House File No. 342,

A joint resolution on the care of Weights and Measures.

Which was

Read the first and second times.

The blank was filled with \$50.

And on motion,

The eleventh rule was suspended.

The resolution was read a third time,
Passed, and title agreed to.

House File No. 333,

A bill for an act to authorize Geo. F. McClure, to construct a dam
across the Des Moines River,

Which was

Read a first and second times, and,

On motion,

The eleventh rule was suspended,

The bill read a third time,
Passed, and title agreed to.

House File No. 324,

A bill for an act to attach Sac county to the fifth judicial district,

Which was

Read a first and second times, and,

On motion,

The eleventh rule was suspended,

The bill was read the third time,
Passed and the title agreed to.

House File No. 327,

A bill for an act to locate a state road therein named.

Which was

Read the first and second times, and

On motion,

The eleventh rule was suspended,

The bill read a third time,
Passed and the title agreed to.

Message from the House of Representatives,
By Mr. Logan, Clerk.

MR. PRESIDENT:

I herewith return

Senate File No. 241,

And

Senate File No. 250,

The same having passed the House of Representatives without amendment.

Also,

Senate File No. 249,

Amended by the House of Representatives—in which amendment the concurrence of the Senate is asked.

J. W. LOGAN,

Clerk.

Mr. Cook,

From the committee on Enrolled Bills,

Made the following report :

The committee on Enrolled Bills report

That they have examined the following bills, and find them correctly enrolled, viz :

Senate Files Nos. 169, 72, 218, and 239.

L. COOK,

Chairman.

House File No. 322,

A bill for an act to establish a school district in Benton county,

Which was

Read a first and second times, and

On motion,

The eleventh rule was suspended,

The bill read a third time,

And passed, and the title agreed to.

House File No. 152,

A bill for an act to authorize the city of Keokuk to issue bonds to aid in the construction of the Keokuk, Fort Des Moines and Minnesota railroad,

Which was

Read a first and second times, and

On motion,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

House File No. 310,

A bill for an act increasing the duties of county judges,

Was read a first and second times, and,

On motion,

The eleventh rule was suspended,

The bill read the third time, and passed.

On motion of Mr. Trimble,

The title was amended by striking out "increasing," and inserting "further defining."

The title as amended, was agreed to.

House File No. 326,

A bill for an act to vacate a state road,

Was read a first and second times, and

On motion,

Was referred to the committee on Roads.

House File No. 273,

A bill for an act to amend an act allowing the stay of execution in district and justice courts,

Was read the first and second times, and,

On motion,

The 11th rule was suspended, and

The bill read the third time,

Passed, and title agreed to.

Mr. McPherson

Had leave to introduce

Senate File No. 549,

A bill for an act to attach Guthrie county to the seventh judicial district,

Which was

Read a first and second times, and,

On his motion,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Coolbaugh,

Had leave to introduce

Senate File No. 250,

A bill for an act to provide for the printing of the report of the
 'state geologist,
 Which was
 Read a first and second times, and,
 On his motion,
 The eleventh rule was suspended,
 The bill read a third time,
 Passed and the title agreed to.

BILLS ON THIRD READING

House File No. 131,
 A bill for an act to amend section 211, of chapter 22, of the code
 of Iowa,
 Was read the third time,
 Passed and the title agreed to.

Senate File No. 241,
 A bill for an act relating to schools,
 Was read the third time,
 Passed and its title agreed to.

House File No. 330,
 A bill for an act to authorize Lee county to issue bonds to aid in
 the construction of the Iowa Southern Railroad,
 Was read a first and second times, and,
 On motion,
 The eleventh rule was suspended,
 The bill read a third time,
 The bill passed and the title agreed to.

House File No. 331,
 A bill for an act to authorize the county of Lee to issue bonds to
 aid in the construction of the Keokuk, Fort Des Moines and Min-
 nesota railroad,
 Was read the first and second times, and,
 On motion,
 The eleventh rule was suspended,
 The bill read the third time,
 Passed and the title agreed to.

House File No. 324,
 A bill for an act to change the name of Wootbridge to Nashua,

Was read a first and second times, and,
On motion,
The eleventh rule was suspended,
The bill read the third time,
Passed, and its title agreed to.

House File No. 344,
A bill for an act relating to the reports of state officers, and printing the same,
Was read a first and second times, and,
On motion of Mr. Cleaver,
Was amended so as to read "1000 copies of the report of each officer."

On motion,
The eleventh rule was suspended,
The bill read the third time,
Passed, and its title agreed to.

House File No. 320,
A bill for an act to locate the seat of justice of Floyd county, and to repeal a certain act in relation thereto,
Was read a first and second times.

On motion of Mr. Atkins,
The bill was amended by striking out the name of John C. Bishop, and inserting the name of J. P. McKinney.

Also, by striking out the name of J. R. Hunter, and inserting D. W. Poindexter.

On motion of Mr. Atkins,
The eleventh rule was suspended,
The bill read the third time,
Passed, and its title agreed to.

House File No. 231,
A bill for an act for the re location of a state road therein named,
Was read the first and second times, and,
On motion,
The eleventh rule was suspended,
The bill read the third time,
Passed, and its title agreed to.

House File No. 337,

A bill for an act authorizing the city of Keokuk to levy a tax for the benefit of a certain railroad therein named,

Was read a first and second times, and,

On motion,

The eleventh rule was suspended,

The bill read a third time,

Passed, and its title agreed to.

House File No. 335,

A bill for an act to amend an act incorporating the city of Keokuk,

Was read a first and second times, and,

On motion,

The eleventh rule was suspended,

The bill read the third time,

Passed, and its title agreed to.

House File No. 230,

A bill for an act providing for the establishment of an agricultural college,

Was read a first and second times, and,

On motion of Mr. Anderson,

The bill was laid on the table.

House File No. 232,

A bill for an act to change the boundaries of Wright county,

Was read a first and second times, and,

On motion of Mr. Anderson,

The bill was referred to the committee on New Counties.

House File No. 319,

Joint resolution for additional mail facilities,

Which was

Read the first and second times, and,

On motion,

The eleventh rule was suspended,

The bill read the third time,

Passed, and its title agreed to.

House File No. 298,

A bill for an act to amend Sec. 568 and 486 of the Code,

Which was

Read the first and second times, and

Laid on the table.

Message from the House of Representatives,
By Mr. Logan, Chief Clerk.

MR. PRESIDENT :

The House of Representatives has amended

Senate File No. 171,

And asks the concurrence of the Senate therein.

I herewith return

Senate File No. 9,

Passed the House of Representatives, without amendment.

J. W. LOGAN,

Clerk.

House File No. 328,

A bill for an act to incorporate the city of Princeton,

Which was

Read the first and second times, and,

On motion,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

House File No. 352,

A joint resolution to appoint trustees of the State university,

Which was

Read a first and second times, and,

On motion,

The eleventh rule was suspended,

The resolution read a third time,

Passed and the title agreed to.

House File No. 329,

A bill for an act authorizing Lee county, to issue bonds for the
benefit of a certain Railroad.

Which was

Read the first and second times,

And on motion,

The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

House File No. 340,
A bill for an act authorizing the printing and distribution of the
Acts, Resolutions and Memorials of the General Assembly.

Which was
Read a first and second times, and,
On motion of Mr. Saunders,
Was amended by striking out joint resolutions for additional
mail facilities.

Mr. Ramsay
Moved to amend by striking out \$500, and inserting \$250.

On which motion,
The yeas and nays were demanded,
And were as follows:

The yeas were—
Senators Birge, Carter, Cleaver, Coolbaugh, Foster, Jenkins, Mc-
Coy, McCrary, McPherson, Ramsay, Stewart, Test, Thurston, Trim-
ble—14.

The nays were—
Senators Anderson, Atkins, Cattell, Cook, Grinnell, Hogan, Jor-
dan, Loughridge, Matthews, Rusch, Saunders, Wilkinson, Mr. Pres-
ident—13.

Motion prevailed.

Mr. Anderson
Moved to strike out "distributing" and insert "\$300 to pay the
expense of distributing."

On which motion,
The yeas and nays were demanded,
Which were as follows:

The yeas were—
Senators Anderson, Cattell, Grinnell, Hogan, Saunders, Thomp-
son, Wilkinson, Mr. President—8.

The nays were—

Senators Atkins, Birge, Carter, Cleaver, Coolbaugh, Cook, Foster, Jenkins, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Ramsay, Rusch, Stewart, Test, Thurston, Trimble—20.

Motion to strike out lost.

On motion of Mr. McCrary,

The bill was amended by inserting "\$250, or the necessary expense of distributing."

The eleventh rule was suspended,

The bill read a third time,

Passed and its title agreed to.

Message from the House,

By Mr. Hepburn, Assistant Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the following bills, in which the concurrence of the Senate is asked.

Senate File No. 241,

And

Senate File No. 250,

W. P. HEPBURN,

Ass't Clerk H. R.

House File No. 346,

A bill for an act making appropriations for the State Government for the years 1857 and 1858, and for other purposes.

Which was

Read a first and second times, and

On motion,

Referred to the committee on Ways and Means.

Mr. Saunders

From the committee on Ways and Means, to whom was referred

House File No. 346,

Reported the same back to the Senate,

And recommended its passage.

On motion

The bill was laid on the table.

Mr. Coolbaugh

Offered the following resolution, which was adopted :

Resolved, That the Hon. W. W. Hamilton be allowed the sum of one hundred and ten dollars extra, for his services as President of the Senate during the present session."

Mr. Loughridge

Offered the following resolution, which was adopted :

Resolved, That Henry G. Curtis, chief messenger, be allowed the sum of thirty dollars for services in taking charge of and re-mailing the mail matter of the Senators for fifteen days after the adjournment."

Mr. Thurston

Had leave to introduce

Senate File No. 251,

A bill for an act authorizing the Iowa Southern Railroad to issue bonds.

Which was

Read a first and second times.

On his motion,

The eleventh rule was suspended,

The bill read a third time,

Passed and the title agreed to.

Mr. Jenkins

Had leave to introduce

Senate File No. 252,

A joint resolution in relation to distributing the laws, &c., of this General Assembly.

Which was

Read a first and second times, and

On motion,

The eleventh rule was suspended,

The bill read a third time,

And passed, and the title agreed to.

Mr. Coolbaugh

Presented the following resolution,
Which was unanimously adopted:

Resolved, That the thanks of the Senate be and are hereby tendered to the Hon. W. W. Hamilton, for the ability, impartiality and dignity, with which he has presided over its deliberations during the present session.

House File No. 192,
A bill for an act to amend chapter 62, of title 13, of the code of Iowa,
Was read a third time,
Passed, and title agreed to.

Mr. Trimble
Had leave to introduce
Senate File No. 253,
A bill for an act providing for indexing the census returns of the state,
Which was
Read a first and second times, and,
On motion,
The eleventh rule was suspended,
The bill read the third time,
Passed, and its title agreed to.

Mr. Foster
Moved to take from the table
House File No. 230,
A bill for an act establishing an agricultural college,
On which motion
The yeas and nays were demanded,
Which were as follows:

The yeas were—
Senators Atkins, Birge, Cattell, Coolbaugh, Foster, Grinnell, Reed, Rusch, Saunders, Thurston, Wilkinson—11.

The nays were—
Senators Anderson, Carter, Cleaver, Cook, Hogan, Jenkins, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McCrary, McPherson, Ramsay, Teet—15.
Motion lost.

Senate File No. 171,

A bill for an act to amend an act entitled an act to amend the charter of the city of Mount Pleasant,

Was returned from the House with one amendment,

Which amendment

Was concurred in by the Senate.

On motion of Mr. Anderson,

The Senate adjourned until half past eleven o'clock.

HALF PAST ELEVEN O'CLOCK, P. M.

Senate File No. 220,

A bill for an act in relation to the Des Moines River Improvement,

Was returned from the House with an amendment.

The Senate concurred in the amendment of the House.

Mr. Grinnell

Offered the following resolution, which was adopted:

“Resolved, That the thanks of the Senate are hereby tendered to its secretaries, enrolling and engrossing clerks, sergeant-at-arms, and other officers, for their faithful and satisfactory discharge of the duties to which they were elected at this session.”

Mr. Anderson,

Offered the following resolution, which was adopted:

“Resolved, That the depositions taken by the two joint committees, of the General Assembly, to wit: On the Des Moines River Improvement affairs, and the affairs of the Superintendent of Public Instruction, together with all papers and matters pertaining to the same, be filed with the secretary of state, for safe keeping.”

SENATE CHAMBER, }
 Jan. 29—1 A. M. }

House File No. 346,

A bill for an act making appropriations for the state government,
 for the fiscal years of 1857 and 1858,

Was taken up.

On motion of Mr. Saunders,

The bill was amended by striking out “\$3,” and inserting “\$2,”
 for the messengers of the House of Representatives.

On motion of Mr. Saunders,

The bill was further amended by striking out “\$1,50,” and in-
 serting “\$2,00,” for the Senate messenger.

Mr. Thurston

Moved to amend by inserting “\$2892,” to pay the indebtedness
 of the state penitentiary.

On which motion

The yeas and nays were ordered,

And were as follows :

The yeas were—

Senators Coolbaugh, Ramsay, Reed, Saunders, Thurston, Trim-
 ble, Wilkinson, Mr. President—8.

The nays were—

Senators Anderson, Atkins, Birge, Carter, Cattell, Cleaver, Cook,
 Foster, Grinnell, Hogan, Jordan, Kirkwood, Loughridge, Matthews,
 McCoy, McCrary, McPlerson, Rusch, Test, Thompson—28.

Motion lost.

On motion of Mr. Test,

The vote just taken was re-considered.

House File No. 280,

A bill for an act to furnish Webster's unabridged dictionary to
 the school districts of the state,

Was read the third time.

Mr. Ramsay

Moved to lay the bill on the table,

On which motion

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Anderson, Birge, Coolbaugh, Cook, Hogan, Kirkwood, McCrary, Ramsay, Stewart, Test—10.

The nays were—

Senators Atkins, Carter, Cattell, Cleaver, Foster, Grinnell, Jordan, Loughridge, Matthews, McCoy, McPherson, Reed, Rusch, Saunders, Thompson, Trimble, Wilkinson, Mr. President—18.

Motion lost.

The question being on its final passage,

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Cattell, Foster, Grinnell, Loughridge, McCoy, Rusch, Trimble, Wilkinson, Mr. President—9.

The nays were—

Senators Anderson, Atkins, Birge, Carter, Cleaver, Coolbaugh, Cook, Hogan, Jordan, Kirkwood, Matthews, McCrary, McPherson, Ramsay, Reed, Saunders, Stewart, Test, Thompson, Thurston—20.

Bill rejected.

Message from the House of Representatives,
By Mr. Hepburn, Assistant Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following resolution :

“ *Resolved*, That the clerk inform the Senate that the House is out of business, and is now taking a nap.”

W. P. HEPBURN,
Ass't Clerk.

On motion of Mr. Thurston,
House File No. 346,

Was amended by adding \$2892, for the expenses of the penitentiary.

On motion of Mr. Coolbaugh,

The bill was further amended by striking out "\$80," and inserting "\$50," for Francis Rodman, for translating the Governor's message into the German language.

Mr. Carter

Moved to strike out \$90 and insert \$50 for Geo. W. McCleary, for services as Clerk of the Investigating Committee.

Motion lost.

On motion of Mr. Saunders,

The 11th rule was suspended, and

The bill read the third time,

Passed, and title agreed to.

House substitute for

Senate File No. 181.

A joint memorial to Congress for a grant of land to aid in the construction of the Iowa Union Railroad.

On motion of Mr. Thompson,

Was amended by inserting after "Cedar Rapids" the words "and Marion."

On motion of Mr. Birge,

The bill was further amended by inserting after "Marion" and *Tete des Morts* "

Mr. Grinnell

Moved to reconsider the vote by which the last amendment was adopted.

On which motion,

The yeas and nays were ordered,

And were as follows:

The yeas were--

Senators Anderson, Atkins, Carter, Cattell, Cleaver, Foster, Grinnell, Jordan, Kirkwood, Longbridge, McCoy, McCrary, M. L. Reed, Ruseh, Saunders, Stewart, Test, Thompson, Trimble, Wilkinson, Mr. President: 22.

The nays were—

Senators Birge, Coolbaugh, Cook, Hogan, Matthews, Ramsay,
Thurston— 7.

Motion prevailed.

Mr. Birge withdrew his amendment.

Senate File No. 249,

A bill for an act to attach Guthrie county to the seventh judicial district,

Was returned from the House,

With two amendments,

In which amendments,

The Senate refused to concur.

Mr. Atkins,

From the committee on Roads, to whom was referred

House File No. 326,

Reported the same back to the Senate,

And recommended its passage.

On motion of Mr. Wilkinson,

The bill was indefinitely postponed.

Mr. Grinnell,

From the committee on Schools, to whom was referred

The petition of W. L. Johnson,

Reported the same back to the Senate.

On motion of Mr. Coolbaugh,

The report was referred to the committee on Military Affairs.

Mr. Carter,

From the committee on New Counties, to whom was referred

House File No. 323,

A bill for an act to change the boundaries of Wright county.

Reported the same back to the Senate,

And recommended its passage.

On motion of Mr. Wilkinson,

The further consideration of the bill was indefinitely postponed.

Mr. Rusch

Offered the following resolution :

Resolved, That the thanks of the Senate are hereby tendered to the Hon. Francis Rodman, for his able translation of the Governor's Message into the German language.

The question being on the adoption of the above resolution,

The yeas and nays were demanded,

Which were as follows :

The yeas were—

Senators Anderson, Atkins, Carter, Cattell, Cleaver, Cook, Foster, Grinnell, Hogan, Jordan, Kirkwood, Loughridge, Matthews, McCoy, McPherson, Reed, Rusch, Saunders, Thompson, Wilkinson, Mr. President—21.

The nays were—

Senators Birge, Coolbaugh, Ramsay, Stewart, Test, Thurston, Trimble—7.

Resolution adopted.

On motion of Mr. Cleaver,

Senators Test, McPherson and McCrary were appointed a committee of conference on the part of the Senate, to confer with a similar committee on the part of the House in relation to the disagreement of the two Houses of the General Assembly on

Senate File No. 249,

A bill for an act attaching Guthrie county to the seventh judicial district.

Message from the House,

By Mr. Logan, Clerk.

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed the following concurrent resolution, in which the concurrence of the Senate is asked.

Resolved, (the Senate concurring,) That C. Cartwright be allowed the sum of \$1.00 per diem additional, as Assistant Messenger of the House of Representatives.

J. W. LOGAN,
Clerk.

Mr. Cook,
From the committee on Enrolled Bills,
Made the following report :

The committee on enrolled bills report that they have examined the following bills and find them correctly enrolled, to wit :

Senate Files No. 81, 78, 27, 247, 244, 187, 29, 250, 240, 9, 163, 220, 253, and 257.

LYMAN COOK,
Chairman.

Mr. Atkins,
From the committee on roads,
Had leave to introduce
Senate File No. 224,
A bill for an act to locate a state road,
Which was
Read the first and second times, and,
On his motion,
The eleventh rule was suspended,
The bill read a third time,
Passed and the title agreed to.

The committee on conference on
Senate File No. 249,
Reported and recommended that the Senate concur in the House amendments,
Which report was adopted.

Message from the House of Representatives,
By Mr. Hepburn, Assistant Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following resolution, in which the concurrence of the Senate is asked :

" *Resolved*, the Senate concurring, That the following claims be allowed :

To the Decorah Republican,	\$5.00
To the Mitchell County Republican,	5.00
G. S. Hampton, Jr., O. S. Harvey, E. H. Talbot, each	3 00

W. P. HEPBURN,
Ass't Clerk.

On motion of Mr. Saunders,

A committee of two was appointed to wait on the House, and inform that body that the Senate is now ready to adjourn.

Also,

To act with the House committee, to wait on the Governor, and inquire if he has any further communications to make to the General Assembly,

The President

Appointed Senators Saunders and Coolbaugh,

Message from the House of Representatives,

By Messrs. Dorland and Cloud,

Mr. Dorland delivered the message:

MR. PRESIDENT:

I am directed by the House to inform the Senate that we have been appointed a committee on the part of the House of Representatives, to inform the Senate that the House is now ready to adjourn; and also to act with a committee appointed on the part of the Senate to wait upon His Excellency the Governor, and inquire if he has any further communications to make to the General Assembly.

Mr. Cook,

From the committee on Enrolled Bills,

Made the following report:

The committee on Enrolled Bills report

That they have presented to his Excellency the Governor, for his approval, the following bills, viz:

Senate Files No. 69, 72, 218, 239, 27, 78, 81, 247, 244, 187, 9, 163, 140, 250, 29, 163, 220, 253, 251, 254 and 249.

L. COOK,

Chairman.

Mr. Saunders,

From the committee on the part of the Senate, to wait on the House of Representatives, and His Excellency the Governor,

Reported that they had performed that duty, and that His Excellency had informed them that he had no further communications to make to the General Assembly.

Mr. Loughridge,
Offered the following resolution,
Which was adoptd :

" *Resolved*, That the auditor of state settle with the post master at Iowa City, and pay all claims for postage on the matter re-mailed to Senators after the adjournment."

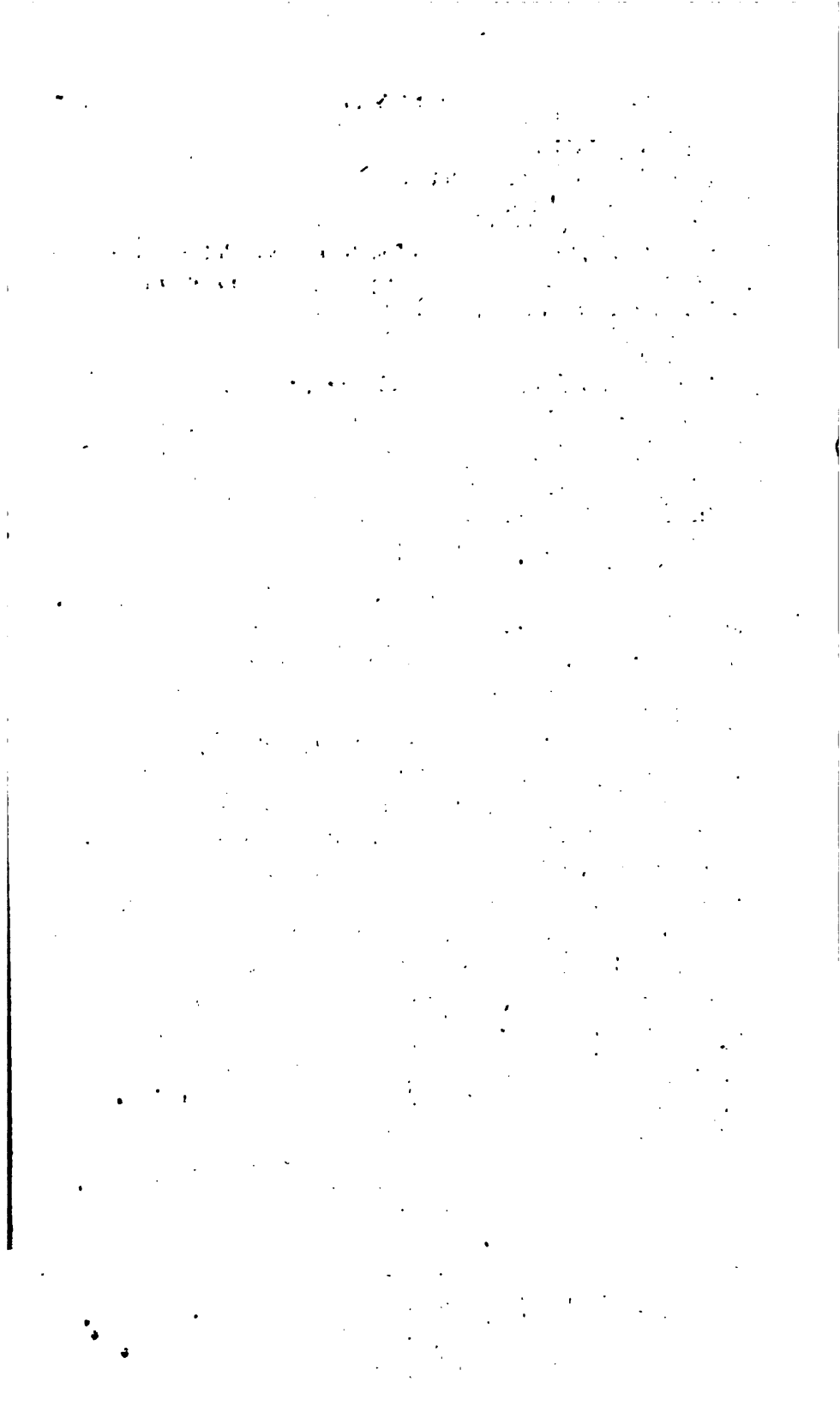
Mr. Saunders
Moved that the Senate do now adjourn, *sine die*.
Agreed to.

Previous to adjournment,
The President
Made the following remarks :

SENATORS:

By your vote just had, you have determined to adjourn, *sine die*, and it remains but for your presiding officer to pronounce the final word; and let me assure you, I cannot, at this moment, pronounce that final word without emotion.

I took this chair, as is well known to many of you, with diffidence in my power so to bear myself in it, as to merit, in any degree, your approval. I cast myself on your indulgence; and from the first day of the session, to this, its final close, you have accorded to me, on all occasions, so warm, so cordial a support, that I cannot but acknowledge it with a truly grateful feeling. I thank you for the kindness you have thus extended to me. Harmoniously, we have labored together for the welfare of our beloved state. Our labors are now over. To be happy at home, is the first desire of our nature; and after a long absence from home, the desire to return to it, becomes overwhelming. To your homes, then, I commend you, and bid you, collectively and individually, farewell. I declare this Senate adjourned, *sine die*.



R E P O R T
OF THE
JOINT COMMITTEE
ON THE
De Moine River Improvement.

The Committee to whom was referred so much of the Governor's Message as relates to the Des Moines River Improvement, and the Joint Resolution of the General Assembly directing the course of investigation to be pursued by your Committee, have given the subject all the attention consistent with the discharge of other duties incumbent upon them, and ask leave to report:—

That a full and fair investigation of the matter referred to them, has required much labor and time in the examination of laws, witnesses, papers and documents. In the entire investigation the Committee used all means in their power to get such information as would enable them to arrive at a just and correct conclusion as to the facts connected with the matter, and your committee would here remark that it has been the desire of every member to protect the just and

legal rights of the State, and at the same time render to all others not only legal, but equitable justice. And as there are, or have been, as your Committee are not unmindful, rumors and reports in circulation that at least a portion of the Committee were unfriendly to the further prosecution of the work on the Des Moines River Improvement, and in favor of diverting said appropriation, if possible, to the construction of railroad or other improvements; we feel bound here to state ~~that such rumors or reports are entirely groundless,~~ inasmuch as there has been during the investigation but one wish expressed by every member of the Committee, which was to pursue such a course as would secure the greatest possible advantage to the Des Moines River Improvement, and that any attempt to divert any portion of said grant ~~or the proceeds thereof,~~ from the purpose for which it was originally granted, would be not only illegal, but impolitic and unjust.

By the joint resolutions instructing us in regard to the investigations, ~~are involved many legal questions, which have been considered fully by the legal members of the Committee and with the approbation of the other members of the same, make the following reply to the first resolutions.~~

In compliance with the first instruction:

Your Committee are of the opinion that no legal contract was ever entered into by the State of Iowa with the Des Moines Navigation and Railroad Company. The authority to make contracts on behalf of the State is conferred by law, (Session Laws of 1853, page 64), upon the Commissioner and Register; but any contract entered into by them, only being valid when signed by the Commissioner, and countersigned by the Register, and *approved by the Governor*. The authority vested in the Register was subsequently vested in two Assistant Commissioners, (Session Laws of 1853, page 163), but the approval of the contract by the Governor is not dispensed with. As the misunderstanding of the parties, if any exists, with regard to the necessity of the approval of the Governor, has grown out of the provisions of this act, your Committee beg leave to call particular attention to the language of the act, believing that a careful examination will show conclusively that your Committee are correct in asserting that the approval of the Governor is essential to the validity of the contract.

After creating the office of assistant commissioner, the act in defining their duties, says: "The duties of said assistants shall not extend any farther than to aid said commission in negotiating such contracts and agreements as are contemplated in this act or any other act passed at the present session of the General Assembly; and anything in this act or any act on the subject of the Des Moines River Improvement, which vests authority and power in the Commissioner and Register to make contracts and agreements, is herein so modified as to vest said power and authority in the said Commissioner and the two assistants."

The Governor is not invested, by the first act above referred to, with any of the duties and powers conferred by the act last above referred to, upon the assistant Commissioners, and the first mentioned act is not repealed by the last, but only so modified as to vest in the assistants the authority before conferred upon the Register, clearly leaving the authority to, and necessity for approval, in the Governor.

The fact as testified to by Mr. Bonney, that the Governor did not deem his approval necessary to the validity of the contract, does not effect the requirements of the law, and cannot possibly be construed into a compliance with its provisions.

Any recognition of the contracts and subsequent action under them by the officers of the state, cannot cure this defect, as the state is only bound by the acts of its officers when discharging the duties imposed upon them by law, and your committee know of no law, authorizing the commissioner or other officer to recognize and act under illegal contracts, and thereby render them valid. The only effect that such recognition could possibly have, would, in the opinion of your committee, be to render the State liable for the value of the improvements actually made.

All the subsequent modifications, explanations or additions to the original contract, either by supplementary contracts, or otherwise are subject to the same objection, and are, therefore, in the opinion of your committee, invalid.

In compliance with the 9th instruction, your committee submit:

On the 8th day of August, 1846, (see 9 U. S. statutes at large, p. 77,) Congress passed an act declaring that "there be and is hereby

granted to the Territory of Iowa, for the purpose of aiding said Territory to improve the navigation of the Des Moines River, from its mouth to the Raccoon fork, (so called,) one equal moiety in alternate sections," &c.

This shows how the improvement was to be made, to wit: "from the mouth to the Raccoon fork." Section 2, of the same act declares "that the lands hereby granted shall not be conveyed, or disposed of by said Territory, or any State to be formed out of the same, except as said improvements shall progress."

Here is a positive prohibition against making title for the lands except as the work shall progress from the mouth up the river.

The act provides that the Governor shall certify the progress of the work from time to time, to the President of the U. S., and that the Territory or State may sell the lands as the work progresses, and as the lands shall be thus certified.

The grant is absolute in terms presenti, but is coupled with a prohibition against any sale or conveyance, except as the work progresses; hence it is not in the power of the legislature to dispose of or convey the land in any other manner, nor could the State authorize any agent or Commissioner to do an act which the State itself could not do. It will be seen that the improvement must precede the conveyance of the title, that the contract to make improvement precedes both; it cannot, therefore, be claimed that the contract for the improvement is, *per se*, a conveyance.

Certificates have been issued to the company, showing that they were entitled to have about 205,000 acres of land conveyed to them, but in the opinion of your committee, these certificates do not convey the legal title to said lands; consequently, *no land* has been legally conveyed to said company. The law, (Session laws of 1850, page 187.) requires the Gov. and Register to execute the deeds for the land; no title passes except by deed from them, and the certificate of the Commissioner and Register, if regularly issued upon a legal contract, could convey nothing but an equitable claim upon the land, and as the certificates in question were issued in pursuance of an invalid contract, they can by no possibility convey more than an equitable claim for the actual value of the improvements made by said company.

In compliance with the 14th instruction, your committee submit, that in the opinion of the committee, the company have not complied with the requirements of section 685 of the code. That section is evidently intended as a protection to those dealing with corporations, and requires that the statement contemplated therein should show whether each individual stockholder has paid the full amount of stock subscribed for or owned by him, in order that the individual liabilities of each stockholder for the debts of the company may be ascertained. The testimony shows that neither the books kept at Ottumwa, nor the statement posted up at that office, shows the amount paid or now due on each individual's stock, or that said statement shows the current indebtedness or liability of the company, but the amount only which is due on bonds issued by the company.

In compliance with instruction 17, the committee submit :

That said company has not kept, within the State, books or copies thereof, showing the facts enumerated in section 692 of the code. That such books, if any exist, are kept in New York city, in the State of New York, and are consequently inaccessible without great trouble and expense to the citizens of Iowa.

In compliance with the 19th instruction, your committee submit :

That no books have been kept by the company in the State of Iowa, showing the names of the original stockholders, their respective interests, the amount which has been paid in on their respective shares, and all transfers thereof, nor the transfer of stock, the time of transfer, or by whom or to whom transferred. Nor has any statement of these facts been kept posted at the principal office, or any other place in this State.

If any such books exist, they are kept in the city of New York. Mr. Johnson, the President of the Company, testified before the committee that he had no means of furnishing these facts to the committee.

The committee have had none of the books of the company, before them, but it has been developed by the testimony, that over one million of dollars of full paid stock has been issued by the company, upon which has been received but \$167,000, leaving a deficit of \$823,000, for which certificates of full paid stock have been issued, for which not a farthing has been realized by the company. The

amount may be much greater than this, the testimony of the witnesses being from recollection, and altogether uncertain.

This stock is now nearly or quite all in the hands of innocent, *bona fide* purchasers for valuable consideration, who purchased it believing that its full par value had been paid therefor, into the treasury of the Company. It will thus be seen that a gigantic fraud has been perpetrated upon the stockholders of the Company, and that the Company have not only forfeited their charter, but that every officer or stockholder who has participated in, or been cognizant of said fraud, has rendered his individual property liable to any party injured. (See sections 686 and 690 of the Code of Iowa.)

It is due to the gentleman now acting as President of the Company, to state that the testimony before the Committee shows that the certificates of this stock had all been issued before he had any connection with the Company.

By the terms of what is claimed to be the original contract, the whole Improvement was to be completed by the first of July, 1858, and one quarter of the work done annually. Now, according to the evidence before the Committee, it appears there was expended by the Company up to the first of December, 1856, a period of nearly two and a half years, in actual construction, \$185,957 44, and in engineering and incidental expenses, \$104,180 74.

While, by the terms of the original contract, \$300,000 were expected to be expended from the mouth of the river to St. Francisville, and from the testimony of Guy Wells, Esq., principal Assistant Engineer on the work, who is more familiar with the work than any other person, it would require \$230,000 to complete the work from St. Francisville to Keosauqua, including the work at both places, making an expenditure of more than \$500,000 necessary to complete the Improvement to Keosauqua, and requiring, according to the testimony of Mr. Wells, an additional expenditure of \$470,000 more to complete the Improvement from Keosauqua to Ottumwa.

This shows that to complete the entire work from the mouth of the river to Ottumwa, would require nearly \$1,000,000.

This distance would be about one-half of the whole line of Improvement. It will, therefore, be readily perceived that one-quarter

ter part of the work was not done as contemplated by the original contract; and, in fact, very little work was actually done during the first year of said contract.

For the information of the General Assembly, and in compliance with their instructions, we herewith append a statement of the amount of work actually done at each point on the Improvement. At Croton, where a lock had been built by the State, a dam was put in and completed by the Company; this is the only piece of work on the line completed by them.

At St. Francisville,	\$ 6,115 04
“ Belfast,	15,923 63
“ Croton,	19,114 08
“ Plymouth,	37,053 29
“ Keosauqua,	36,491 30
“ Pittsburgh,	5,000 74
“ Litchfield,	9,409 76
“ Orville,	10,258 66
“ Iowaville,	15,927 74
“ Alpine,	6,277 44
“ White Breast,	3,076 70
Value of hydraulic cement delivered for use,	2,305 00
For snag boats, and operating the same,	15,932 37
For repairs,	3,082 37

In justice to the Company it is but right to state that the Engineers were a large portion of the first year engaged in making the surveys, and by Mr. Wells it was stated that he understood considerable time was consumed in making the necessary financial arrangements for the prosecution of the work, and that during the last summer and autumn there was much delay necessarily caused by sickness among the hands and contractors.

But your Committee can find no reasonable excuse for the extraordinary sluggishness with which the work has been prosecuted, compatible with an honest purpose of prosecuting the work to completion, for the sole consideration of receiving in payment therefor the lands granted by Congress, and the use and rents of the Improvement and water power.

It is true that in the original contract, undertaken to be made in pursuance of the provisions of law, there seemed to be, at any rate, an inconsistency in the contract.

The Company agree to pay for all the lands embraced in said grant, and remaining unsold in December, 1853, the sum of \$1,300,000. But in a subsequent section of the same contract it is stipulated that this land is to be conveyed to said Company in the manner following, to-wit:

When work is done to the amount of \$30,000 there shall be conveyed 24,000 acres of land without any understanding or stipulation relieving the State, in case the land should happen to be a less quantity than sufficient to amount to the \$1,300,000 at \$1.25 per acre. Nor is there anything binding the Company to secure the State from any further claim if she shall fail to supply land to that amount, and yet prosecute the work to completion.

Now, according to the statement of the Commissioner, T. C. Lockwood, on the 9th of June, 1856, there was remaining unsold of lands actually assigned by the Commissioner of the General Land Office, to this Improvement, only 266,107 13 acres; this land at \$1 25 per acre, would amount to \$322,633 39.

Although there was and still is an unsettled claim which the State asserts to the lands extending further up the river, of these lands, the Commissioner and Register, at or before May last, certified, as they term it, to the D. N. & R. R. Co., 204,574 35 acres, leaving 61,537 78 acres. But, in the opinion of your committee, as before expressed, the legal title to the lands above certified to, has not passed from the State.

Now if the D. N. & R. R. Co. had a bona fide capital actually on hand, of nearly \$1,000,000, paid in for the prosecution of the work, as they ought to have according to the amount of stock issued, and had hitherto prosecuted the work with that vigor and energy which its importance demands, and which the people of the State had a right to expect, the condition of things would be very different; but as the work has been done, in the opinion of your committee, under a contract without any validity in law, and if said contract had been valid, in no manner according to the spirit and meaning thereof, your committee are of opinion that said company are

justly and equitably entitled to a fair compensation for the work done by them; but are not entitled, unless the State so elect, to payment in lands at \$1.25 per acre, which are worth six or seven dollars per acre. Nor do your committee see any guarantee the State would have for any further prosecution of the work, if these valuable lands are certified to them by the Commissioner and Register, to the amount of more than 200,000 acres, and worth, as your committee believe, at this time more than \$1,200,000, were conveyed to them; for it will be borne in mind that corporations are without souls, and the parties representing them are constantly changing; and your committee, after strict enquiry, have been unable to satisfy themselves that the D. N. & R. R. Co. have any available responsibility to any considerable amount, which could be reached by any legal process issued under the laws of this State. Here, however, your committee would remark that they have entire confidence in the honor of the President, Mr. Johnson, but there is no assurance that he will be any longer connected with the company as the President, but have reason to believe that he will not.

It is true that the recently appointed Commissioner, Edwin Manning, has recently entered into a modified contract with said company, which appears, upon the face of it, to be advantageous to the State, and if the State were bound by the contract of June 9th, 1854, would undoubtedly be advantageous, yet we cannot see or feel that the reduction of what would, at least, be doubtful expenditure, and an agreement to require no more land until one-fourth of the improvement is done, is a sufficient guarantee for the efficient prosecution of the work, inasmuch as there has heretofore been a series of modifications, without any increased vigor or energy in the prosecution of the work, particularly, if it is expected, as we are informed, that the land heretofore certified to, is to be conveyed in fee simple, to said company.

Your committee are also asked to enquire whether the various modifications of the contract did not materially lessen the cost and value of the work on the improvement? To which we have to reply, that if carried on, your committee believe that it would lessen in some respect, the value of the work; but, as testified before the committee, no work has been done under such modification, and in reply to another enquiry as to the character and value of the work, your committee find from the evidence before them, that the work

done is of a good substantial quality, and if completed as commenced, would be of incalculable value to the State.

There have been some bonds taken in the name of the President of the company, for the conveyance of lands where dams and locks, &c., are to be located, but no conveyance actually made; these lands, however, in the modified agreement with Mr. Manning, it is agreed, shall be conveyed to the State.

But there has been less trouble on the part of your committee, in coming to the conclusion they have in regard to the illegality of the original contract and its supplements, and the failure on the part of the company to keep and perform the same in good faith, than there is in deciding upon a course to be recommended for the action of the General Assembly, and the future prosecution of the work on said improvement.

After much reflection and mature deliberation, however, your Committee have determined to recommend the passage of a law authorizing, by the appointment by the Governor, an additional Commissioner; who, with the one now authorized by law, shall be fully authorized to make, if practicable, a just, equitable and advantageous arrangement with the D. N. & R. R. Co., upon such terms, and under such restrictions as will insure the speedy and vigorous prosecution of the work on said Improvement, to a useful result. And in case of a failure of such negotiation, then to settle and adjust upon fair and equitable terms, any and all just claims said Company may have for money expended on said Improvement.

And for the payment of said adjusted claims, and the further prosecution of the work on the Improvement, your Committee recommend that said Commissioners be authorized to sell lands, or pledge the whole or any portion of the lands still belonging to said grant, as security for means to accomplish these objects; such contracts or agreements to require for their validity the approval of the Governor.

Your Committee would further report that they are unable to see any good reason for further continuing the office of Register of the Demotte River Improvement, but would recommend that all the papers and books pertaining to that office, should be transferred to the office of the Register of State lands, and the office of Register

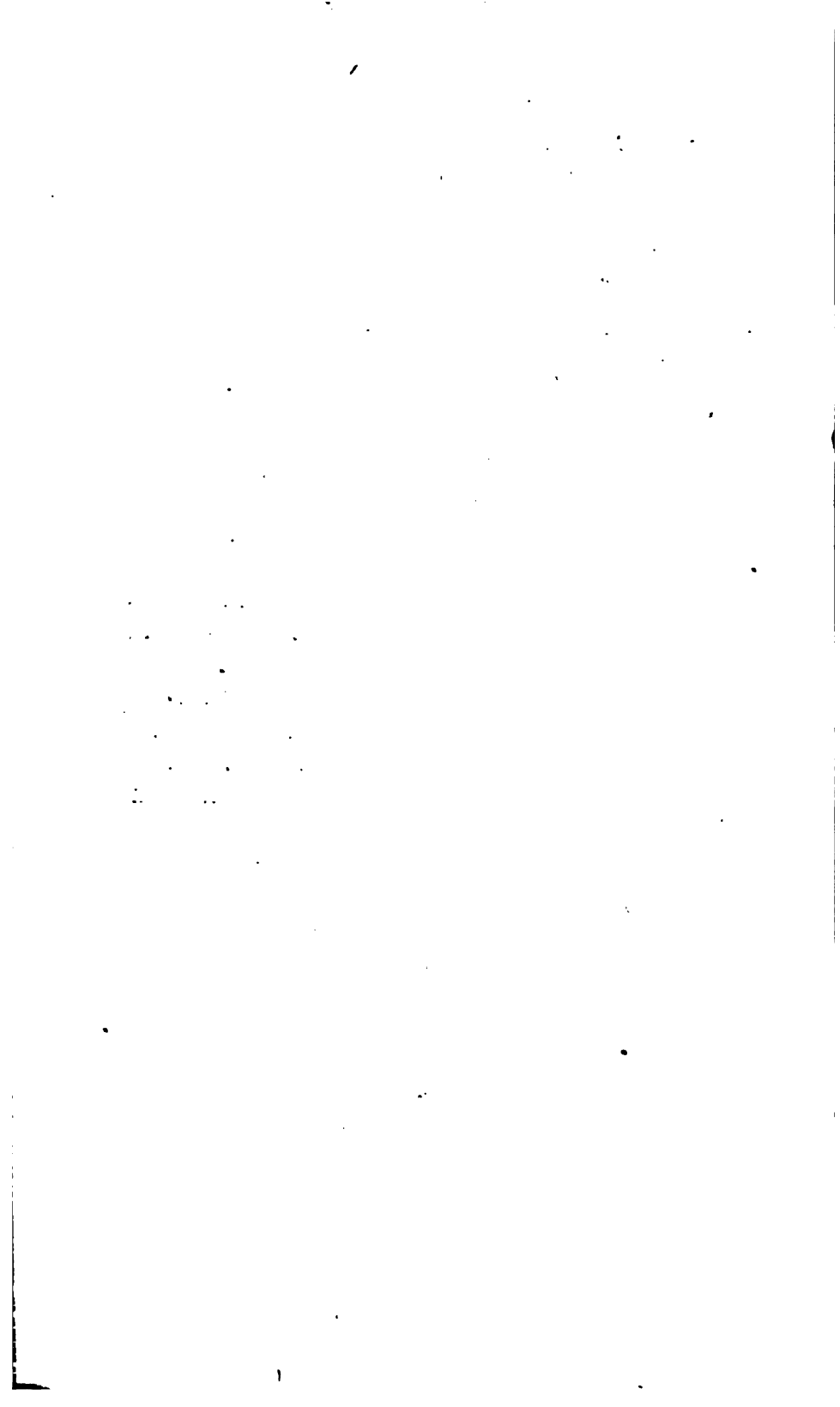
abolished. And to prevent any misunderstanding, your Committee further recommend that the office of Assistant Commissioner be abolished by law.

And, in conclusion, your Committee would recommend that the Commissioners, or some other person or persons, be authorized and empowered to adjust, in such manner as will be most advantageous to the State, and finally settle the claim for lands now in dispute and unsettled.

All of which is respectfully submitted.

Signed,

D. T. BRIGHAM,
W. F. COOLBAUGH,
WM. G. THOMPSON,
J. W. JENKINS,
J. J. MATTHEWS,
D. EDMUNDSON,
B. F. ROBERTS,
JOHN H. FRY,
MILES JORDAN,
DAVID DOUD, JR.,
JOHN E. KURTZ,
JAMES GALBRAITH.



REPORT
OF
EDWIN MANNING,
COMMISSIONER
OF THE
Des Moines River Improvement.

Jan. 1, 1857.

*To the Honorable,
The Senate, and
House of Representatives,
Of the State of Iowa,
In General Assembly met :*

Gentlemen :

My recent appointment to fill the vacancy occasioned by the resignation of Wm. McKay, Esq., as Commissioner of the Des Moines River Improvement, must be my apology for not earlier submitting to you my report of its affairs in obedience with the law.

The law requires, and is satisfied with, a simple statement and report of its present condition, at my hands. But at this progress and juncture of its affairs, I regard the public good requires and calls for a more general examination, as well of the past as the present condition and standing of this important work.

In view of the fact, however, that this subject is new in the hands of a Joint Committee of your honorable bodies for such investigation; I will only submit a brief narrative of its condition and progress, with a view to elucidate, if possible, the main questions that are involved in its progress and prospective completion.

It is sufficiently known and understood that this Improvement is based upon, and prosecuted by means of, a grant of lands by the General Government, by act of Congress, August 8th, 1846, for the special purpose of improving the navigation of the Des Moines River.

The State of Iowa, through its Board of Public Works, prosecuted this Improvement about six years, up to June 9th, 1854, and during this period expended about Four Hundred and Seventy-Five Thousand Dollars. The result and progress of the work attained at that time was as follows:

A complete engineering survey of the line of Improvement was made.

A ship canal commenced, and a large amount of work performed for a distance of 10 miles

Three stone masonry locks, (of a capacity to chamber boats 160 feet long and 44 feet beam), and two dams completed, together with large amounts of materials procured at different points on the line.

On the 9th of June, A. D. 1854, the Commissioner and Assistant Commissioners of the Improvement entered into a contract with the Des Moines Navigation and Railroad Company, whereby said Company undertake and agree to finish the line of Improvement from the mouth of the river to Ft. Des Moines, by the first of July, 1856, and for which the State covenants to give all the remaining unsold lands in the grant, under certain restrictions, viz:

As fast as \$20,000 is expended and applied to the Improvement, they are to receive lands therefor at \$1.25 per acre, less 15 per cent, and so on until the whole line is completed and the sum of \$1,300,000 expended thereon.

Since the making of said contract the work has progressed under the management and control of said Company up to the present time.

Immediately following my appointment, I proceeded to examine the present condition of the work on the line of the Improvement, as well as the accounts and affairs generally, appertaining to the contract between the Company and the State, preparatory to my report.

The result of my examinations confirmed my previously entertained opinions, in part, at least, that an erroneous policy had been adopted by the company, in its manner of prosecuting this important work, but at the same time it must be admitted that their policy and plans have been approbated, at least, if not advised by my predecessors on the part of the State.

It must therefore at once be seen that the affairs present many serious difficulties, which, to comprehend and fully understand, requires a review of all that has transpired between the company and the State, under their contract of June 9, 1834.

That the company have failed to perform their contract with the State, is not denied, but in justification they claim that the state has not perfected the grant with the General Government, and on that account it is urged that the State is equally in default.

I shall take the position that the rights of the State must be maintained in this contract to the utmost extent, and that it is an incumbent duty upon her agents to protect the interests of the State in such manner as is best calculated to carry out the arrangement with said company according to its true intent and meaning.

At the same time it must be admitted that the rights and relations in this contract are equally sacred and important to the company. The good faith of the State is pledged that such rights shall be respected, and that no undue advantage shall be taken whereby its

rights are infringed or impaired, without good and valid reasons shown therefor.

In order to lay before you all that I deem important, I shall first give you a synopsis or schedule of the construction at different points upon the line of improvement, commencing at the mouth of the river.

The plan of improving the present channel of the river from the Mississippi to St. Francisville, is without locks a distance of 12 miles. It is proposed by the company to remove the snags and trees from the bed of the river, and deepen the channel in shoal places, by dredging and confining the water by means of wing dams, in its lower stages to a narrower channel. The company have procured for prosecuting this plan of improvement a dredge machine and snag boat, together with scows, tackle rope and fixtures to operate the same.

The total expenditure, including the expense of operating the same to this time, is reported by Chief Engineer at \$15,932 37.

This work may be said to have just commenced.

ST. FRANCISVILLE.

FIRST DAM.

At this point—

The lock pit is partially excavated, the coffer dam is in, and the lower miter sills are laid. The work is well started, and a large amount of materials are on the bank in readiness for early commencement in the spring, the extent and value of which you will see in a general list.

BELFAST.

SECOND DAM.

At this point—

The lock walls are carried up full width and length about eight feet high, and a large amount of rock in readiness to finish the lock

early in the spring. The sub-contractors are energetic and practical workmen. If the season is favorable, they will probably finish the job the ensuing year.

CROTON.

THIRD LOCK.

At this point—

The lock was built by the State. The company have constructed a new dam, say 12 feet high, at a cost of about \$20,000.

The lock walls will have to be raised to correspond with the dam, and ensure good navigation in high water, say from 3 to 4 feet.

The water power here is valuable, for its abundant supply at all seasons.

PLYMOUTH.

FOURTH LOCK.

At this point—

The lock walls are carried up full height and width about 10 to 12 feet high, and rock materials ready to finish early in the spring. There is also a large supply of materials procured for the dam. The work is in favorable progress, and the sub-contractor is an energetic and practical man, and urges the work with commendable zeal. The construction and materials at this point will exceed \$37,000.

BONAPARTE.

FIFTH LOCK.

At this point—

The lock and dam was constructed by the State nearly eight years ago, and is in good condition. Messrs. Weeks & Son are the contractors, and still have control of the power at this point. If there is any doubt of the practicability of this important navigation, I would refer to this point as demonstrating the fact, and affording reasons to quiet all fears.

REPORT OF BENTONSPORT.

SIXTH LOCK.

At this point—

The lock and dam was constructed by the State. The present company have expended between \$1,500 and \$2,000 in repairs, and it will probably require a similar outlay to complete it.

The lock is in working order.

KEOSAUQUA.

SEVENTH LOCK.

At this point—

The lock and dam was partially built by the State. Bonney & Whittlesey were the contractors, and were progressing with the work up to the time of making the contract with the present company. The construction and materials estimated and allowed to Messrs. B. & W., and paid for by the State and the company, as shown by the books, amount to the sum of \$46,775 13.

At this stage of the work, Messrs. W. & B. transferred their contract to the present company. A few weeks subsequently, it was relet to Bonney, Russell & Co., who still have the control upon this work. Immediately following the transfer of the contract of B. & W. to the company, one of the lock walls, partially built, was condemned by the Chief Engineer, and removed.

This wall is now being re constructed, and the character of the work is believed to be good.

The delay and procrastination of the work at this point, has been and is yet a grievous source of complaint, and is not confined to its vicinity, but extends throughout the entire valley. It must be remembered that at this point, the lock and dam is located at the head of the largest rapids in the river.

The unfinished condition of the work, therefore, has caused great additional obstruction to navigation. The damages sustained, and the dangers encountered at this point, by the commercial and agricultural communities of the valley, hitherto, growing out of this

grievous obstruction, is so great that a reasonable computation upon the freight and commerce made subject to *ex ra* charges, would appear almost fabulous.

It is also true that the heaviest of this burthen falls upon the upper portion of the Valley, from the fact that boats are so long unavoidably detained in lightening and getting over the Rapids, that they not unfrequently fail of their destination, and of necessity store their cargoes.

This works a peculiar hardship upon the shipper, and causes not only delays but serious losses.

Now to undertake to determine the source of all these evils, would, in the opinion of your Commissioner, involve a waste of time to little benefit. But it is here proper to remark that this case is now fully understood by the Company, and I have the best of assurances from the President, that if the present sub-contractors do not progress with the work satisfactorily to your Commissioner, that upon reasonable notice the work shall be re-let to a reliable and vigorous party, to insure its early completion.

In order to obviate the building of a dam and lock between Bensport and Keosauqua, the Company have adopted a plan of blasting and excavating a rock channel immediately below the Keosauqua lock, of a depth and width adapted to the navigation. The distance required is about one fourth of a mile.

This work has also been commenced, and the President assures me shall be completed the ensuing season.

PITTSBURGH.

RIGHT LOCK.

At this point—

The coffer dam is now in, and the lock pit mostly prepared. A quantity of rock material is quarried, and the work fairly started.

LITCHFIELD.

NINTH LOCK.

At this point—

The lock pit is mostly excavated, and the masonry is well commenced ; a large amount of materials are procured, and the work is in a favorable state of progress. The sub-contractors are energetic and practical workmen, and are urging the work to the utmost of their ability.

The estimated work at this point is over \$9,000.

ORVILLE.

TENTH LOCK.

At this point—

The coffer dam is in, the lock pit excavated, and the masonry well started.

A large quantity of materials are prepared for the lock, and the estimates already awarded the contractors are about \$10,000. Owing to an unusual sickness amongst his men, the work has been unavoidably delayed.

JORDAN'S.

ELEVENTH LOCK.

At this point—

The lock pit is partially excavated, the coffer dam is in, and the masonry well started.

Having to change the location of the lock a short distance, to get a good foundation, the work has been delayed. A large amount of materials, rock and timber, are procured, and the work has progressed with energy and vigor, equal, if not greater, than at any other point; the sub-contractors are practical and energetic men. The estimated work and materials up to the 1st of December, exceeds \$15,000.

ALPINE.**TWELFTH LOCK.**

At this point—

The Chief Engineer reports the foundation for the lock as nearly prepared, and a quantity of material quarried for the lock. This work I have not personally examined. The estimated work exceeds \$6,000.

WHITE BREAST.

At this point—

The Chief Engineer reports the coffer dam in, and foundation for lock nearly prepared, and a quantity of materials are procured. Estimated work exceeds \$3,000, and the work progressing.

The foregoing schedule sets forth the present condition and progress of the Improvement as prosecuted by the D. M. N. & R. R. Co., on their contract heretofore referred to, with the State up to 1st December, 1856.

The character and quality of the work upon the lock walls, is believed to be fully equal, in all respects, to that heretofore constructed by the State, which condition in the original contract in that respect is believed to be complied with.

I will now submit to you for further consideration, the result and manner of my examinations into the accounts and affairs of each party, as connected with the contract of the 9th June, 1854, and upon which the foregoing schedule of work has been performed by the D. M. N. & R. R. Company, for the State of Iowa, which several sums, as shown hereafter in detail, are exhibited by their books and vouchers, and furthermore certified and attested by the Chief Engineer of the Improvement, as true to the best of his knowledge:

REPORT OF

ESTIMATE

Of work done and materials delivered by the Des Moines Navigation and Railroad Company, for Lock and Dam, at

ST. FRANCISVILLE,

Up to December 1st, 1856.

ITEMS.	QUAN- TITIES.	PRICE.		AMOUNT.	TOTAL.
		COST	EST		
Preparing lock foundations,				\$800 00	
Masonry in lock walls - perches	135	00		65 00	
Hydraulic cement, bbls	143	00		42 00	
Square timber, ft.	132	14		18 48	
Excavation of earth for foundation, c. yds	342	40		1368 00	
Excavations of rock above water, perches	2316	1 00		2316 00	
Wrought iron, lbs	300	08		24 00	
Concrete masonry, c. yds	144	00		56 00	\$4689 48
MATERIALS DELIVERED.					
Cut stone, c. yds	125		5 00	625 00	
Rough lock stone, "	40		2 00	80 00	
Square timber, ft	132		08	10 56	
Wrought iron, lbs	900		07	63 00	
Crib filling, c. yds	580		50	290 00	
Sand, "	340		50	170 00	
Quicklime, bush	610		20	122 00	1360 56
MATERIAL AT QUARRY.					
Rough lock stone, c. yds	65		1 00	65 00	65 00
					\$6115 04

ESTIMATE

*Of work done and materials delivered by the Des Moines Navigation
and Railroad Company, for Lock and Dam, at*

BELFAST,

Up to December 1st, 1856.

ITEMS.	QUAN- TITIES	PRICE.		AMOUNT.	TOTAL.
		COST.	EST.		
Preparing lock foundations,				\$2200 00	
Masonry in lock walls perches	1633	5 00		8165 00	
Hydraulic cement, bbls	227	3 00		681 00	
Square timber, ft	492	14		68 88	
Excavation of earth for foundations, c. yds	5250	40		2100 00	
Excavation of rock above water, perches	521	1 00		521 00	
Wrought iron lbs	1850	08		148 00	
Concrete masonry c. yds	25	4 00		100 00	13983 88
MATERIALS DELIVERED.					
Cut stone, c. yds	144		5 00	720 00	
Rough lock stone, c. yds	37		2 00	74 00	
Round timber, ft	80		06	4 80	
Crib filling, c. yds	341		50	170 50	
Quick lime, bu	50		20	10 00	979 30
MATERIALS AT QUARRY.					
Rough lock stone, c. yds	410		1 00	410 00	
Cut stone, c. yds	131		2 50	327 50	
Crib filling, c. yds	913		30	293 90	1011 40
MATERIALS IN WOODS OR BANKED.					
Square timber, ft	280		04	11 20	11 20
DEDUCT MATERIAL PROCURED BY THE STATE AND USED AT BELFAST.					
Free stone, c. yds	28		1 75	49 00	
Rough lock stone, c. yds	11		1 25	13 75	62 75
					15923 08

REPORT OF

ESTIMATE

*Of work done and materials delivered by the Des Moines Navigation
and Rail Road Company, for Lock and Dam, at*

CROTON,

Up to December 1st, 1856.

ITEMS.	QUAN- TITIES.	PRICE.		AMOUNT.	TOTAL.
		COST.	EST.		
Masonry in side walls and abutments, perches	977	3	50	\$3419 50	
Hydraulic cement, bbls	440	3	00	1320 00	
Square timber, ft	40535	14		5674 90	
Oak plank, M	41760	2	25	939 60	
Crib filling, perches	5040	1	00	5040 00	
Excavation of earth for foundation, c. yds	3611	40		1444 40	
Excavation of rock un- der water, perches	129	2	00	258 00	
Wrought iron, lbs	14105	8		1128 40	
Round timber, ft	17875	11		1966 25	
Concrete masonry, c. yds	2	1-2	4 00	10 00	
Pine plank, M.	1025	\$60		61 50	21262 55
DEDUCT MATERIALS PROCURED BY THE STATE, AND USED AT CROTON.					
White oak square tim- ber, ft	21637		6	1298 22	
White oak round tim- ber, ft	7500	4	1-2	337 50	
Crib filling, c. yds	1690		25	422 50	
Abutment stone, c. yds	121		75	90 25	2148 47
					19114 08

ESTIMATE

Of work done and materials delivered by the Des Moines Navigation and Railroad Company, for lock and dam, at

PLYMOUTH,

Up to December 1st, 1856.

ITEMS.	QUAN- TITIES.	PRICE.		AMOUNT.	TOTAL.
		COST.	EST.		
Preparing lock foundations,				\$2800 00	
Masonry in lock walls—perches	3754 5 00			18770 00	
Masonry in side walls					
and abutments, perches	83 3 50			290 50	
Hydraulic cement, bbls	1803 3 00			5409 00	
Square timber, ft	7904 14			1108 56	
Crib filling, perches	1190 1 00			1190 00	
Excavation of earth					
for foundations, c. yds	4147 40			1658 80	
Excavation of rock					
above water, perches	639 1 00			639 00	
Wrought iron, lbs	2122 08			169 76	
Round timber, ft	4380 11			481 80	
Concrete Masonry, c. yds	40 4 00			160 00	32675 42

MATERIALS DELIVERED.

Cut stone, c. yds	253	5 00	1265 00	
Rough lock stone, c. yds	25	2 00	50 00	
Square timber, ft	4759	08	380 72	
Square timber framed, ft	2260	11	248 60	
Round timber, ft	2570	06	154 20	
Round timber framed, ft	9500	08	760 00	
Oak plank, M	22500	1 50	337 50	
Hydraulic cement, bbls	110	2 50	275 00	
Wrought iron, lbs	3700	07	259 00	
Crib filling, c. yds	100	50	50 00	
Quick-lime, bu	400	20	80 00	3880 02

MATERIAL AT QUARRY.

Rough lock stone, c. yds	1145	1 00	1145 00	
Cut stone, c. yds	155	2 50	387 50	
Crib filling, c. yds	3900	30	1170 00	2702 50

39237 94

REPORT OF

ESTIMATE—Continued.

*Of work done and material delivered by the Des Moines Navigation
and Railroad Company, for lock and dam, at*

PLYMOUTH,

Up to December 1st, 1856.

ITEMS,	QUAN- TITIES.	PRICE.		AMOUNT.	TOTAL.
		CONT.	EST.		
Amount brought over,					39237 94
EXTRA WORK AT PLYMOUTH.					
Excavation of channel thro' old mill dam. c. yds	250		50	125 00	
Excavation of channel thro' old mill dam. c. yds	300		75	225 00	
Removal of sunken boat, Grubbing and clearing abutment, pit,				10 00	
				20 00	380 00
DEDUCT MATERIALS PROCURED BY THE STATE AND USED AT PLYMOUTH.					
Free-stone, perches	267		3 75	1001 25	
Backing stone, "	420		80	336 00	
Backing stone from west side of river "	400		90	360 00	
Crib filling from west side of river, "	535		25	133 75	
Crib filling above mill, "	397		45	133 65	
Deduct cash paid Jonas Houghton, by the State Dec. 15, 1853,				500 00	
Deduct cash paid Jonas Houghton by the State, July 26, 1854.				100 00	2564 65
					37053 29

ESTIMATE

Of work done by Bonney & Whittlesey, at Keosauqua, after the Des Moines Navigation and Rail Road Company had entered into contract with the State, but previous to the time their contract was purchased of them by the D. N. & R. R. Co.

KEOSAUQUA.

ITEMS.	OLD QUAN- TITIES.	NEW QUANTI- TIES.	DIFFER- ENCE.	PRICE.	AMOUNT.
	Dec 15 1853.	Jan. 1st, 1856.			
Preparing lock foundation,	2100	2300	\$200		\$ 200 00
Masonry in lock walls, p'chs	2282	3406.09	1144.09	5 00	5720 45
Masonry in side walls, p'chs	270	1650 72	1380.72	3 50	4832 52
Hydraulic cement, bbls	9 1	1725	794	3 00	2382 00
Square timber, ft	2720	27888	25168	14	3528 52
Round timber, ft	1440	12654	11214	11	1233 54
Crib filling, p'chs	458	4467	4009	1 00	4009 00
Iron bolts, lbs	315	3478	3163	8	2503 04
Oak plank, M	4449	18246	13797	2250	310 43
Embankment, cu. yds		279	279	20	55 80
Excavation of founda- tion for abutment pit, cu. yds	521	2753	2232	40	892 80
Timber in ice-breaker ft		940	940	14	131 60
					70
Extra amount on crib filling as per agreement with En- gineer,					190 20
A					25984 90
Difference in value of mate- rials on hand (Dec. 15, '53, to Jan. 1, 1856,					2596 32
					23388 58

For explanation of item marked "A" see next page.

REPORT OF MATERIALS

On hand at Keosauqua when the Des Moines Navigation and Railroad Company entered into contract with the State.

ITEMS.	QUAN- TITIES.	PRICE.	AMOUNT.
Cut stone delivered, perches	284	2 00	\$568 00
Coping cut and delivered, "	70	5 00	350 00
Face stone (not cut) delivered, "	50	1 50	75 00
Rough lock stone delivered, "	2008	1 50	3009 00
Crib filling delivered, "	3000	30	900 00
Square timber delivered, ft	1250	06	75 00
Square timber on bank two miles above work, ft	2000	04	80 00
Plank delivered, M	10800	15 00	159 00
			5216 00

Section 19.

M A T E R I A L S

On hand at Keosauqua when the Des Moines Navigation and Railroad Company bought out the contract of Messrs. Bonney & Whittlesey.

ITEMS.	QUAN- TITIES.	PRICE.	AMOUNT.
Stone partly cut and delivered, perches	171.68	2 00	343 36
Rough lock and side wall stone delivered, "	274.58	1 50	411 87
Coping, "	6.65	5 00	33 25
Crib filling, "	354	30	106 20
Square timber on hand three miles above lock, ft	16512	04	660 48
Round timber on hand three miles above lock, ft	7923	04	316 92
Plank delivered, M	49840	15 00	747 60
Deduct			2619 68
From			5216 00
Difference in value of materials on hand, (dates as above,)			2596 32

REPORT OF

ESTIMATE

*Of work done and materials delivered by the Des Moines Navigation
and Rail Road Company, for Lock and Dam, at*

KEOSAUQUA,

Up to December 1st, 1856.

ITEMS.	QUAN- TITIES.	PRICE.		AMOUNT.	TOTAL.
		COST.	EST.		
Preparing lock foundations,				\$1500 00	
Masonry in lock walls, perches	1071	5 00		5355 00	
Hydraulic cement, bbls	115	3 00		345 00	
Square timber, ft	1450	14		203 00	
Oak plank, M	1000	2 25		22 50	
Crib filling, perches	42	1 00		42 00	
Excavation of earth for foundation, cu. yds	198	40		79 20	
Excavations of Rock above water, perches	1571	1 00		1571 00	
Wrought iron, lbs	1039	8		83 12	
Round timber, ft	672	11		73 92	
Rock under water in channel, perches	360	2 00		720 00	
Excavation of earth, cu. yds	3800	20		760 00	
Removal of old lock walls, c. yds	956	90		860 40	
Slope wall, cu. yds	217	2 00		434 00	12049 14
MATERIAL DELIVERED.					
Cut stone, cu. yds	192	5 00		960 00	
Rough lock stone, cu. yds	17	2 00		34 00	
Square timber framed, ft	232	11		25 52	
Hydraulic cement, bbls	212	2 50		530 00	
Crib filling, cu. yds	80	50		40 00	
Sand, cu. yds	20	50		10 00	\$1599 52
EXTRA WORK AT KEOSAUQUA.					13648 66
Removal of plank from mitre sill and breast wall,				8 96	
Removal of timber in pier,				39 90	
Removal of mitre sill, and old dam,				25 00	
Removal of timber from old lock walls,				28 26	109 12

Amount carried over,

\$18750 78

EDWIN MANNING.

505

ESTIMATE

*Of work done and materials delivered by the Des Moines Navigation
and Railroad Company, for Lock and Dam, at*

KEOSAUQUA,

Up to December 1st, 1856.

ITEMS.	QUAN- TITIES.	PRICE.		AMOUNT.	TOTAL.
		COST.	EST.		
Amount brought over,					13750 78
DEDUCT MATERIAL PROCURED BY THE STATE, AND USED AT KEOSAUQUA.					
Face stone,	cu. yds	174	2 00	348 00	
Backing stone,	cu. yds	190	1 50	285 00	
Plank,	M	1000	\$15	15 00	\$648 00
					<u>\$18102 78</u>

REPORT OF

ESTIMATE

*Of work done and materials delivered by the Demoiné Navigation
and Railroad Company, for lock and dam, at*

PITTSBURGH,

Up to December 1st, 1856.

ITEMS.	QUAN- TITIES.	PRICE.		AMOUNT.	TOTAL.
		COST.	EST.		
Preparing lock foundations,				500 00	
Excavation of earth for foundations, c. yds	1700	40		680 00	
Excavation of rock above water, perches	54	1 00		54 00	1234 00
MATERIALS DELIVERED.					
Rough lock stone, c. yds	120		2 00	240 00	
Square timber, ft	10000		08	800 00	
Round timber, ft	1700		06	102 00	1142 00
MATERIALS AT QUARRY.					
Rough lock stone, c. yds	1040		1 00	1040 00	
Crib filling, c. yds	514		30	154 20	1194 20
MATERIALS IN WOODS OR BANKED.					
Square timber, ft	19338		04	773 52	
Round timber, ft	8234		03	247 02	
Saw logs, M	82000		5 00	410 00	1430 54
					5000 74

ESTIMATE

*Of work done and materials delivered by the Des Moines Navigation
and Railroad Company, for Lock and Dam, at*

LITCHFIELD,

Up to December 1st, 1856.

ITEMS.	QUAN- TITIES.	PRICE.		AMOUNT.	TOTAL.
		COST.	EST.		
Preparing lock foundations,				\$1100 00	
Masonry in lock walls-perches	470	5 00		2350 00	
Hydraulic cement, bbls	40	3 00		120 00	
Excavation of earth for foundation, c. yds	1450	40		580 00	
Excavations of rock above water, perches	1103	1 00		1103 00	5958 00
MATERIALS DELIVERED.					
Out stone, c. yds	128		5 00	640 00	
Rough lock stone,	589		2 00	1188 00	
Square timber, ft.	7600		8	608 00	
Round timber, ft	6500		6	390 00	
Wrought iron, lbs	900		7	63 00	
Orib filling, c. yds	1508		50	751 50	
Sand,	80		50	40 00	
Quicklime, bush	200		20	40 00	2670 50
MATERIAL AT QUARRY.					
Rough lock stone, c. yds	160		1 00	160 00	
Orib filling, c. yds	100		30	30 00	190 00
MATERIALS IN WOODS OR HARDED.					
Square timber, ft	2280		4	91 20	
Saw logs, M	41000		5 00	205 00	296 20
					\$9409 70

REPORT OF

ESTIMATE.

*Of work done and materials delivered by the Deming Navigation
and Rail Road Company for Lock and Dam, at*

ORVILLE,

Up to December 1st, 1856.

ITEMS.	QUAN- TITIES.	PRICE.		AMOUNT.	TOTAL.
		COST.	EST.		
Preparing lock foundation,				1300 00	
Masonry in lock walls perches	393 5	00		1965 00	
Hydraulic cement, bbls	39 3	00		117 00	
Excavation of earth for foundation, c. yds	652	40		261 20	
Excavation of rock a- bove water, perches	7 61	00		750 00	4429 20
MATERIALS DELIVERED					
Cut stone, c. yds	78		5 00	390 00	
Rough lock stone; c. yds	1880		2 00	3760 00	
Square timber, ft	1100		08	88 00	
Square timber framed, ft	360		11	39 60	
Round timber, ft	1200		06	72 00	
Wrought iron, lbs	1200		07	84 00	
Crib filling, c. yds	1870		50	935 00	
Quick lime, bu	400		20	80 00	5418 60
MATERIALS IN WOODS OR BANKED.					
Square timber, ft	9020		04	360 80	360 80
					10238 60

ESTIMATE

*Of work done and materials delivered by the Dombine Navigation
and Railroad Company, for Lock and Dam, at*

LOWAVILLE,

Up to December 1st, 1836.

ITEMS.	QUAN- TITIES	PRICE.		AMOUNT.	TOTAL.
		COST	EST		
Preparing lock foundations,				\$1400 00	
Masonry in lock walls—perches	315 3/4	5 00		1575 00	
Hydraulic cement, lbs	453	3 00		135 00	
Excavation of earth for foundations, c. yds	6200	40		2480 00	
Excavation of rock above water, perches	1502	1 00		1502 00	
Concrete Masonry, c yds	34	00		12 00	\$7104 00
MATERIALS DELIVERED.					
Cut stone, c. yds	330		5 00	1650 00	
Rough lock stone, c. yds	870		2 00	1740 00	
Square timber, ft	19000		8	1520 00	
Round timber, ft	1262		6	75 72	
Wrought iron, lbs	1200		7	84 00	
Crib filling, c. yds	1860		50	930 00	
Quick lime, bu	500		20	100 00	\$6099 72
MATERIAL AT QUARRY.					
Rough lock stone, c. yds	2000		1 00	2000 00	
Cut stone, c. yds	75		2 50	187 50	\$2187 50
MATERIALS IN WOODS OR BANKED.					
Square timber, ft	13413		4	536 52	\$536 53

\$15927 74

REPORT OF ESTIMATE

*Of work done and materials delivered by the Demaine Navigation
and Railroad Company, for lock and dam, at*

ALPINE,

Up to December 1st, 1856.

ITEMS.	QUAN- TITIES.	PRICE.		AMOUNT.	TOTAL.
		COST.	EST.		
Preparing lock foundations,				700 00	
Masonry in lock walls, perches	225	00		165 00	
Excavation of earth for foundations, c. yds	1900	40		760 00	
Excavation of rock above water, perches	194	1 00		194 00	1819 00
MATERIALS DELIVERED.					
Cut stone, cu. yds	40		5 00	200 00	
Rough lock stone, cu. yds	1150		2 00	2300 00	
Square timber, ft	14186		08	1184 88	
Round timber, ft	8476		06	508 56	
Orib filling, c. yds	360		50	180 00	
Sand, cu. yds	20		50	10 00	
Quick-lime, bu	500		20	100 00	4433 44
MATERIALS AT QUARRY.					
Rough lock stone, c. yds	25		1 00	25 00	25 00
					6277 44

ESTIMATE

*Of work done and materials delivered by the Des Moines Navigation
and Railroad Company, for lock and dam, at*

WHITE BREAST,

Up to December 1st, 1856.

ITEMS.	QUAN- TITIES.	PRICE.		AMOUNT.	TOTAL.
		COST.	EST.		
Preparing lock foundations,				\$ 600 00	
Excavation of earth for foundation,	725	40		290 00	
Excavations of rocks above water,	1426	1 00		1426 00	\$2316 00
MATERIALS DELIVERED.					
Cut stone, cu. yds	50		5 00	250 00	
Rough lock stone, "	45		2 00	90 00	
Crib filling, "	411		50	205 50	545 50
MATERIALS AT QUARRY.					
Rough lock stone, c. yds	110		1 00	110 00	
Cut stone, "	10		2 50	25 00	
Crib filling, c. yds	230		30	69 00	204 00
MATERIALS IN WOODS OR BANKED.					
Square timber, ft	280		4	11 20	11 20
					\$2076 70

REPORT OF

STATEMENT

Of monies expended on Snag Boat and removing Snags below

ST. FRANCISVILLE,

Up to December 1st, 1856.

Cash paid A. C. Orr, bill for mattresses,	\$26 50
“ “ Calvin Coates, bill for wood work on block and crab,	37 00
Cash paid Cox & Shelly, bills for blankets,	26 25
“ “ Comstock & Bros., bill for stove and fixtures,	29 92
“ “ J. H. Hager, bill for snag boat,	125 00
“ “ Geo. W. Birdsall's, bills for labor, materials, &c.,	149 58
“ “ Hiatt & Harbine, bill for lumber,	106 76
“ “ Burns & Kentgous, bill for freight & commission on tools &c.,	636 14
Cash paid C. P. Conder for labor,	2 25
“ “ Check roll for Aug., Sept., Oct. and Nov., 1856,	1726 86
“ “ H. Jones, bills for provisions, &c.,	186 57
“ “ J. P. Flander, bill for snag machine,	125 00
“ “ Beatty, Long & Co., bill for iron work on crab and blocks,	26 20
Cash paid Geo. W. Langdon, bill for blacksmith work,	252 58
“ “ Hubbard & Robb, bill for ship chandlery,	182 00
“ “ Bill for freight and transportation,	44 80
“ “ John Griffiths & Co., bill for lumber, \$67.50, skiff, 32.50,	100 00
Cash paid Reed, Tracy & Co., bill for chains, rope, &c.,	396 10
“ “ S. W. & H. Tucker, bill for hardware,	72 14
	<hr/>
	\$4250 25

STATEMENT

*Of monies expended on Dredge Boats and Dredging, up to
December 1st, 1856.*

Cash paid.	Geo. W. Birdsall's bill for labor and expenses,	\$202 27
"	Hiatt and Harbine's bills for lumber,	676 59
"	W. N. Haskell's bills for labor and expenses,	1869 79
"	H. F. Emery and Co's bill for lumber,	450 72
"	Connable, Smith & Co., bills for materials,	191 34
"	George W. Langdon, bills for blacksmithing,	578 63
"	Burns and Rentgen, bills for freight and commission on machinery,	545 28
"	H. S. Bean's bill for labor and expenses on machinery,	459 91
"	For check roll for November, 1856,	221 45
"	Hubbard & Robb's bill for ship chandlery,	89 10
"	John Griffiths & Co.'s bill for lumber, \$130 23; Skiff, \$32 50; Two lighters, \$800 00,	962 73
"	A. C. Orr's bill for mattresses and bedding,	42 45
"	W. M. Foster & Co., bill for blankets,	19 50
"	Halloway & Evans, bill for forge, &c.,	26 58
"	Farrar & Haine, bill for lumber & sash,	126 09
"	S. W. & H. Tucker, bill for hardware,	71 27
"	Tillinghast, Lane & Bull, bill for hardware,	63 71
"	A. C. Thorne & Co., bill for paints & oils,	49 09
"	J. C. Osgood, bill for machinery and extras,	8085 62

\$11682 12

REPORT OF

RECAPITULATION

Of Des Moines River Improvement Expenditures, by Des Moines N. & R. R. Co., for construction & materials, at the following points, up to the 1st of December, 1856, to wit :

At St. Francisville,	\$6115 04
At Belfast,	15923 08
At Croton,	19114 08
At Plymouth,	37053 29
At Keosauqua,	36491 36
At Pittsburgh,	5000 74
At Litchfield,	9409 70
At Orville,	10238 60
At Jordan's, or Iowaville,	15927 74
At Alpine,	6277 44
At Whitebreast,	3076 70
	<hr/> \$166,982 70

For 922 barrels hydraulic cement, delivered at Keokuk and other points, at \$2.50 per barrel, 2305 00

Add construction, or expenditures below St. Francisville, including snag boat, dredge machine, rope, tackle & fixtures, and two scows, and operating the same three months, 15932 37

Repairs at Bentonsport and Croton, and assisting boats and tending lock, 3082 37

19,014 74

SALARIES PAID STATE OFFICERS ETC.

1855. May 1. J. H. Bonny, salary, \$1500,	
expenses, \$492.10,	1992 10
" " 30. Geo. Gillaspy, salary, \$1500,	
expenses, 684.41,	2148 41
1856. March. Wm. McKay, salary,	1227 00
J. C. Lockwood,	862 00
"	500 00
Nov. 1. Wm. McKay,	250 00

7,639 51

\$193,576 95

EDWIN MANNING.

379

Amount brought forward, \$193,576 05

For State indebtedness, including \$55,000 paid
Commissioner Bonney, 68,953 57
\$262,530 52

Expense account, total for engineering, salaries,
traveling expenses, employees, servants and
office expenses and other matters, estimated
by Chief Engineer, as proper under the con-
tract, and chargeable to D. M. R. Improve-
ment, from May 24th, 1854, up to Decem-
ber 1st, 1856, amounting to 127,880 29

Deduct as follows :

Items transferred to the construction
or work, below St. Francisville, and
salaries of State officers before
charged, amounting to 18,199 55

Right of way to Kinnarby & Thorne,
to be adjusted as per agreement, 5,000 00
23,199 55

Expense account prepared as estimated by
Chief Engineer, 104,180 74

Total account against improvement 366,711 26

LANDS CERTIFIED.

By Bonney and Gillaspv, 88,853.19 acres, at
\$1.25 per acre, 111,066 48

By McKay and Lockwood, 116,636.04 acres,
at \$1. 25 per acre, 145,795 05
256,861 53

\$108,849 73

The above shows the balance claimed by the company against
the improvement, of one hundred and nine thousand eight hundred
and fifty-nine dollars and seventy-three cents, with such percentage
as is provided in original contract, and after which 15 per cent. is to
be deducted and reserved by the State, until final completion of the
improvement.

Balance brought forward,

\$109,849 73

Now under the present arrangement between the company and your commissioner, the company have abated a large amount of their expenses, and have reduced the engineering and all other expenses, aside from construction, to \$13,880 per annum, which abates and renders the above balance

69,480 69

Balance against the improvement,

40,369 04

Since adjustment of the foregoing accounts, I have discovered an error of expenses and repairs at Bentonsport and Croton, that was embraced in construction account below St. Francisville, amounting to

3,082 37

Which sum of three thousand and eighty-two dollars and thirty-seven cents is to be deducted from construction account, as provided in the agreement, as well as any other error that may hereafter be discovered.

Leaving a balance of thirty-seven thousand two hundred and eighty-six dollars and sixty-seven cents, together with any part of said three thousand and eighty-two dollars and thirty-seven cents that is construction account against the improvement.

This balance is reserved by the State, under the present adjustment, until the performance of a certain contingency set forth in said agreement between your commissioner and the company; the company undertaking and agreeing to complete one fourth part of the line of improvement, from the mouth of the river, so as to make it available for a continuous line of navigation the longest period in each year to that extent, before they become entitled to said balance above named against the improvement.

And for a more satisfactory exhibit of this adjustment and agreement, I herewith annex a copy of same, marked "A."

NOTE.—The total abatements of the company will approximate \$72,000, ascertained and agreed upon to this time, besides placing the balance ascertained against the improvement, in a contingent form, quite favorable and advantageous to the State.

I would also report—

There is now outstanding indebtedness against the Improvement amounting to \$11,000, which fall due in Nov. 1857.

The company acknowledge their liability to pay the sum, and for reason of their non-payment, they assign that the parties holding them, will not receive payment, and surrender the same till they mature.

Furthermore, I report that—

Under the present adjustment with company, the funds on hand belonging to the Improvement the 17th December, 1852, amounting to \$4285.01, was not brought forward for consideration. It is therefore a question for equitable adjustment between the company and the State. If the funds are in the hands of the company, the same should be applied in liquidating said indebtedness for the credit of the State, and the balance of the certificates will be a legitimate claim against the improvement.

I also report—

By the present arrangement between your Commissioner and the the company, it is understood that the titles to the lands for right of way and mill purposes are to rest in the name of the State, according to the terms of the original contract.

The present adjustment has been mutually entered into with a full view of all the embarrassments and difficulties heretofore and at present encountered, and more especially to hasten and ensure the immediate progress and early completion of the work. Furthermore, I regard that this arrangement will not conflict with any material issue involved in the present investigation now being had through the joint committee of your honorable body.

The able and comprehensive views of Gov. Grimes in withholding the patents upon lands certified to the company, meets with general satisfaction. It is not, however, with any view to defeat or withhold from said company any of their just rights, but rather to protect the State and our own rights under the contract with the company.

It must be borne in mind that the lands are all the security the State holds to secure the completion of the work, and furthermore, that the policy and progress of the work as heretofore conducted by the company, has excited suspicions amongst the best men that there was a want of good faith and intention on the part of the company, to carry out and perform their contract.

I confess my own opinions, heretofore, have favored that view of the case; but under this arrangement, my confidence is restored in so much that I believe the best efforts of the company will be, hereafter, to carry out their contract with the State.

The manifestation of the President of the company in making this arrangement appear to me quite equitable, and it is due from me to admit that his efforts in behalf of this adjustment have been of the most laudable character. The concession herein made by the company to the State are agreed to by me as highly creditable to the company and equitable to the State.

It is but right to regard it as an evidence of their good faith to perform this agreement.

The President of the Company and your Commissioner now believe the true policy and interest of both parties is sufficiently defined and understood to warrant the progress of the Improvement in a manner that will ensure the earliest and greatest benefits and blessings to the entire valley.

It will be seen that this policy provides for the immediate completion of the work already commenced below Ottumwa. This being done, the greatest obstructions and embarrassments to navigation, are at once overcome. In order to more fully illustrate and demonstrate this position, I shall assume that a permanent navigation from the mouth of the river for at least one-half the entire line in a continuous manner, is more valuable, and more to be desired in a commercial point of view, by the citizens of the upper portion of the valley, than any other practicable plan that has hitherto or at present can be suggest d.

The first one hundred miles of this river, from the mouth, has continuous shoals and rapids, with good rock bed and high banks, which demonstrates beyond every contingency the practicability of

a permanent improvement. The river above Ottumwa is narrower and the channel deeper, and consequently assumes a different character of navigation from that below. It is generally known that the river is navigable for small boats mostly every season, above Ottumwa, some three or four weeks longer than it is below that point.

The policy heretofore adopted by the Company and approved by former Commissioners, of putting the entire line of improvement in progress at the same time, with a view to the simultaneous completion of the same, was, as has since been demonstrated, impracticable, from the fact that the country is yet new and but partially settled and improved, with only a limited supply of laborers in its vicinity. If the locality of this Improvement was more convenient to the densely populated portions of the East, the case would be different.

But when it is considered that it is one thousand miles distant from the sea-board, thereby rendering uncertain the procuring of the laborers necessary to its successful progress, then it becomes more apparent that the limited force at command should be employed so as to make the first section of the work available at an early day, whereby the citizens of the valley, as well as the Company, can derive some immediate benefit from the great expenditure already made upon the Improvement. All past experience in like great internal improvements warrants me in this view of the subject.

The present arrangement contemplates the continuation of the Improvement above Ottumwa, in like manner as that below, at the earliest practicable period, and as soon as it is completed that far.

When it is considered that this basis of policy of completing the first half of the line is effected, that the resources of the Company are thereby enhanced in the value of lands and water power, with the fact of a completed navigation of ninety miles, yielding large revenues to the Company, it must at once be seen that it will afford superior facilities to raise funds, and at the same time better secure the valley and the State, that this entire Improvement can and will be fully completed.

My own observation and experiences warrant me in recommending this view of the subject as the most feasible and best adapted to accomplish the greatest general good, and more especially is it adapted

to afford the upper portion of the valley, all the benefits to be derived from this great enterprise.

The progress of the work to this time shows an aggregate outlay by the State and the Company, of nearly Eight Hundred Thousand Dollars, and that portion constructed by the Company is mostly in an unfinished condition.

The importance, therefore, is apparent to both parties, that an early and satisfactory adjustment of differences at this crisis of its affairs was called for. If these differences were suffered to remain unadjusted, there is reason to believe the work would languish, the breach become wider rather than less, and the risks and hazards on both sides, were eminently calculated to end in tedious litigation, which, to say the least, could not hasten the progress of the Demoine River Improvement. But on the contrary would, in the opinion of your Commissioner, prove disastrous and ruinous to the Improvement, and the best interests of this valley.

In adjusting these differences, your Commissioner has aimed to maintain the rights of the State to the fullest extent, and at the same time be governed by the principles of equity, properly applied to the rights and relations of the Company.

If the basis and condition of this compromise shall meet with mutual approval from the State and the Company, then my agency will have accomplished more than I had reason to expect.

The General Government wisely directed and specified the object of this grant. The State accepted it under the restrictions. It is therefore a clear question of right with the citizens of the valley, and that the good faith of the State is pledged that the object of the grant shall not be defeated, but all proper measures taken to secure and maintain it.

The great and fundamental principle of this grant, and that which is paramount to all others, is to spread and diffuse the blessings of commerce and navigation throughout this entire valley; all other advantages being contingent thereto. If we fail of the first and main object aimed at—to bring the commerce of the world at our own doors, on a scale that places us on an equality with our commercial neighbors—then the object of the grant will be thwarted; the

commercial and agricultural interests languish, and the citizens of the valley become crippled in their enterprizes generally.

Your honorable body will, it is believed, maintain these views, and protect as far as lies in its power, this munificent grant against all opposing interests and influences, to the end that its design shall be eventually carried out, and made to accomplish the great and legitimate object of the Government, and secure the rights of the valley.

I would therefore respectfully suggest the propriety of authorizing the Governor, or the appointment of some other competent person to act as agent on the part of the State, who in connection with the D. M. N. & R. R. Co., shall have full power to effect a final settlement with the General Government, as to the amount of lands to which the State is entitled under the act of Congress making said grant.

I would also recommend that the Legislature pass an act to prevent the serious depredations of trespassers that are being committed upon the timbered lands belonging to this Improvement.

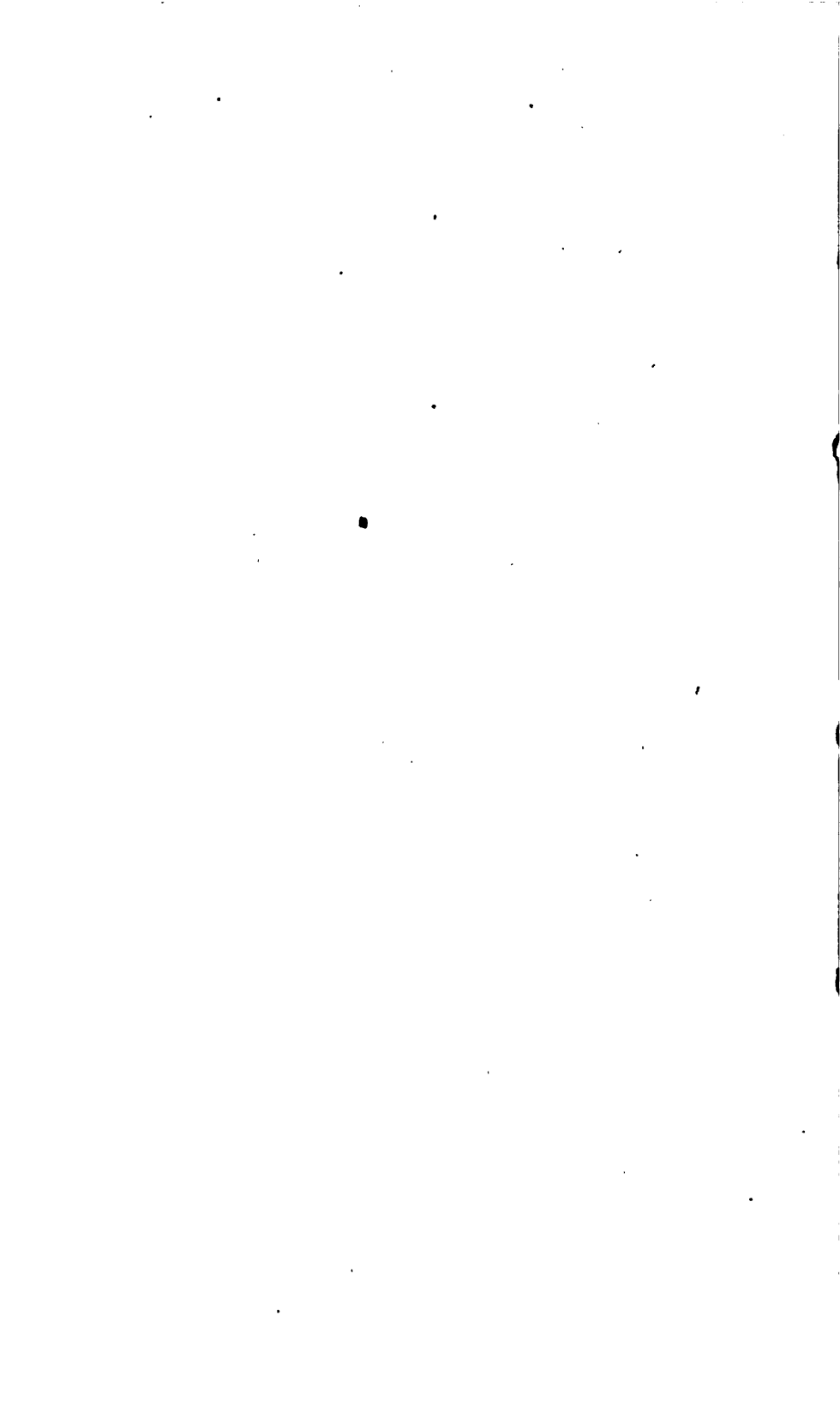
All of which is respectfully submitted, by

EDWIN MANNING,

Commissioner of

Des Moines River Improvement.

Dated at Keosauqua, }
Jan. 1st, 1857. }



REPORT
OF
J. C. LOCKWOOD,
REGISTER
OF THE
Des Moines River Improvement.

Jan. 1, 1857.

*To the Honorable,
The Senate, and
House of Representatives,
Of the State of Iowa,
In General Assembly met :*

GENTLEMEN :

As Register of the Des Moines River Improvement, I beg herewith to transmit the following report of such transactions connected with the Improvement as have come within the limit of my duties.

In the report presented to your honorable body at the special session of 1854, by George Gillespy, the former Register, a balance of \$1,860.24 is represented as due from him to the State. The following will show the disbursement of this amount.

January 1st, 1855.

Amount paid by Geo. Gillespy, on the order of Commissioner Bonney, to the Des Moines Navigation & Railroad Company, per General Clark,	504 00
--	--------

Amount disbursed by Geo. Gillespy, for salary and expenses of himself and Commissioner Bonney, from November 30th, 1854, to the expiration of their term of office, as stated by him,	1222 24
---	---------

Amount received by me from Geo. Gillespy, and applied on my first half year's salary,	138 00
---	--------

\$1860 24

The balance of my salary and expenses have been paid by the Des Moines N. & R. R. Co.

From an examination of the lists of lands approved by the General Government as coming within the Des Moines River grant, and plats of those remaining unsold, it would appear that there were 266,107 13 acres undisposed of when the sales ceased per act of the Legislature, and of these only about 55,000 acres were situated below Fort Des Moines.

I also find from the records of my office, that there were certified of the above lands to the Des Moines Navigation & R. R. Co., by the Register, on the requisition of Commissioner Bonney, and the estimate of the acting Engineer, on the 14th of May, 1855. 89,853.19 acres.

On the 6th of May, 1856, I received from Commissioner McKay the following requisition, and estimate of the acting Engineer, and on their receipt, certified to the Des Moines N. & R. R. Co., 115,726.16 acres. I also certified at the same time 910.29 to adjust errors, and replace lands embraced in first certificate to the D. M. N. & R. R. Co., which had been previously sold or otherwise disposed of by the State:

E S T I M A T E

Of the amount of work done and materials delivered, and Engineers and incidental expenses, and money paid for right of way and State indebtedness by the Des Moines Navigation and Railroad Company, made in accordance with the terms of the contract between the State of Iowa and said Company.

For construction, engineering and incidental expenses, and right of way,	\$177,682 00
Add 20 per cent.,	35,536 40
	<hr/>
	213,218 40
State indebtedness,	68,033 57
	<hr/>
	281,251 97
Deduct estimate of May 1st, 1855,	111,066 45
	<hr/>
	\$170,185 52

I hereby certify that the above is a correct estimate of the value of work done by the Des Moines Navigation and Railroad Company, in the improvement of the navigation of the Des Moines river, under the contract between the State of Iowa and the said company.

Amount due after deducting the previous estimate, one hundred and seventy thousand, one hundred and eighty-five dollars and fifty-two cents.

EDW. H. TRACY,
Acting Engineer.

Ottumwa, May 3d, 1856.

To J. C. LOCKWOOD, Esq.,

Register of the

Des Moines River Improvement,

Of the State of Iowa :

SIR—

The Des Moines Navigation and Railroad Company, having performed work under their contract with the State of Iowa, for the improvement of the Des Moines river, to the estimated value of \$281,251 97, from which is to be deducted the sum of \$111,066 45

(the amount of the former estimate made to your office) leaving the sum of \$179,185.52 now due to the said company, as has been duly certified by Edward H. Tracy, the acting Engineer, you are hereby required to transfer to the said company of the lands granted by the Congress of the United States, to the said State, under the act of August 8th, 1846, an amount in value of the lands belonging to the said improvement, valued at one dollar and twenty-five cents per acre, to the amount of the said sum of one hundred and seventy thousand one hundred and eighty-five dollars and fifty-two cents, deducting fifteen per cent therefrom, according to section number eleven of the contract of June 9th, 1854, between the State of Iowa, and the said Company.

WILLIAM MCKAY,

Commissioner Desmoines River Improvement.

Dated at Ottumwa, {
May, 3d, 1856. }

After deducting the amounts of the above certificates, there now remain undisposed of 61,527.78 acres

There have been about thirteen hundred certificates issued by former Registers, to persons who purchased Desmoines river lands, from the State, between the 12th of October, 1852, and December 1853, and for which no patents have been executed.

By an act of the General Assembly, approved January 25, 1855, in section 8, of chapter 153, it is required that all patents issued for any of the Desmoines River Improvement lands shall contain the following clause :

“ Nothing in this patent shall be construed into a warrant by the State against any claim or claims to said lands arising out of any pre existing contract in relation to said lands, made or entered into by the State or any of its agents, nor as intended to interfere with any of the rights of any person or company to any of said lands, accruing by virtue of any law of this State, or any contract under the provisions of any of said laws.”

The holders of these certificates, conceiving that the insertion of the above clause in their patents, would materially prejudice their title to their lands, which were purchased in good faith from the State, have refused to permit its insertion.

I would therefore represent to your honorable body the necessity of the repeal of so much of said act, as embraces said clause, or to so modify it as to exempt the holders of certificates dated prior to its passage.

In the report of the Register of the State land office, it is alleged by that officer that he had addressed a letter to the Register of the Des Moines improvement, requesting a list or plats of the lands belonging to the same, together with a list of all the sales, to be furnished to that office, and to which he received no reply.

No such letter was received by me or at my office.

Relative to the patents for the Des Moines river lands referred to in the same report, as having been forwarded to his office for signature, these are a portion of the patents referred to in my report, a large number of which had been made out by the former Register, and prior to the passage of the act above referred to.

All of which is respectfully submitted.

J. C. LOCKWOOD,
Register
Des Moines Improvement.

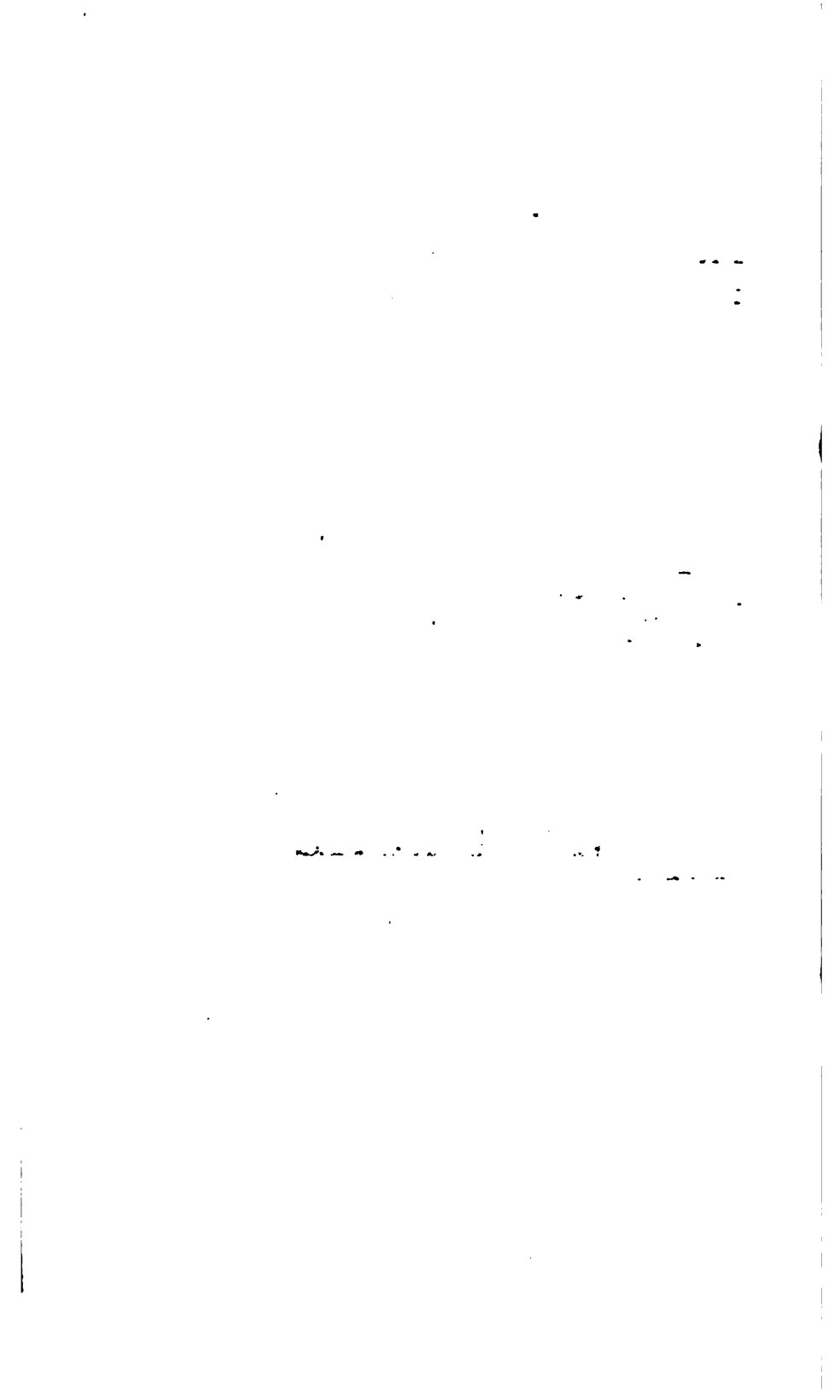
Dated at Ottumwa,)
January, 1857. }

TABLE

SHOWING THE NAME, RESIDENCE, PLACE OF NATIVITY, AGE, OCCUPATION, RELIGIOUS FAITH, AND SOCIAL CONDITION,
OF THE MEMBERS AND OFFICERS OF THE SENATE OF THE SIXTH GENERAL ASSEMBLY OF THE STATE OF IOWA.

NAMES.	RESIDENCE.	PLACE OF NATIVITY.	AGE.	OCCUPATION.	RELIGIOUS FAITH.	SOCIAL CONDITION.
W. W. Hamilton,	Dubuque,	England,	46	Farmer,	Episcopalian,	Widower,
G. W. Wilkinson,	Muscatine,	Virginia,	46	Bricklayer,	Methodist,	Married,
J. B. Grinnell,	Grinnell,	Vermont,	34	Farmer,	Congregat'n'l	Married,
S. T. Atkins,	Winnesheik Co.,	New York,	45	Farmer,	Lutherean,	Married,
N. T. Rusch,	Scott,	Germany,	35	Farmer,		Married,
J. W. Cattell,	Cedar County,	Pennsylvania	36	Farmer,		Married,
M. L. McPherson,	Madison Co.,	N. Carolina,	31	Attorney,	Baptist,	Married,
Julius J. Matthews,	Lyons, Clinton Co.,	Ohio,	31	Physician,		Married,
W. G. Stewart,	Dubuque,	Virginia,	43	Farmer,	Unitarian,	Married,
D. T. Brigham,	Keokuk, Lee Co.,	Massachusetts	50	Farmer,	Quaker,	Married,
James D. Test,	Council Bluffs,	Indiana,	28	Lawyer,	Quaker,	Single,
J. W. Jenkins,	Maquoketa,	New York,	31	Attorney,		Married,
H. B. Carter,	Elkader,	Ohio,	32	Merchant,		Married,
Wm. M. Reed,	Jefferson Co.,	Ohio,	35	Farmer,		Married,
J. C. Ramsay,	Agency City,	Pennsylvania		Farmer,		Married,
Aaron Brown,	Westfield,	Mississippi,	34	Farmer,	Baptist,	Married,
Samuel Dale,	Bedford, Taylor co.,	Kentucky,	58	Farmer,	Baptist,	Married,
Wm. Loughbridge,	Oskaloosa,	Ohio,	29	Lawyer,	Presbyt'n N S.	Married,
S. J. Kirkwood,	Iowa City,	Maryland,	48	Miller & Farm,	Presbyterian,	Married,

Charles Foster,	Washington,	New Hamp.	37	Farm. & Law'r	Congregat'n'l	Widower,
Lyman Cook,	Burlington,	(Ohio,	36	Banker,	Baptist,	Widower,
E. S. McCulloch,	Primrose,	Tennessee,	46	Farmer,	Presbyterian,	Married,
W. J. Coolbaugh,	Burlington,	Pennsylvania	35	Banker,	Pres., O. S.,	Married,
George McCoy,	Benton,	Kentucky,	56	Farmer,	Free Pres,	Married,
Wm. G. Thompson,	Linn Co.,	Pennsylvania	26	Lawyer,	O. S. Pres,	Married,
A. Sanders,	Henry,	Kentucky,	39	Banker,	Christian,	Married,
H. H. Trimble,	Davis,	Indiana,	30	Lawyer,	Christian,	Married,
A. H. McCrary,	Van Buren,	Indiana,	42	Farmer,	Christian,	Married,
David Anderson,	Monroe,	Indiana,	34	Trader,	Methodist,	Married,
J. L. Hogan,	Keokuk,	Delaware,	55	Farmer,	Quaker,	Married,
H. T. Cleaver,	Wapello,	Pennsylvania	34	Physician,	Evangelical,	Married,
J. W. Warner,	Leon,	Ohio,	29	Attorney,	Christian,	Married,
Jairus E. Neal,	Knoxville,	New York,	39	Attorney,	Methodist,	Married,
J. E. Jordan,	Polk,	Virginia,	43	Farmer,	Episcopalian,	Married,
Joseph Birge,	Lamotte, Jack'n co	Connecticut,	51	Farmer,	Episcopalian,	Married,
M. A. Thurston,	Fort Madison,	Rhode Island,	43	Manufacturer	Methodist,	Married,
Charles C. Nourse, Sec	Keosauqua,	Maryland,	27	Attorney,	Methodist,	Married,
Geo. E. Spencer, Ass't,	Newton, Jasper co	New York,	23	Attorney,	Congregat'n'l	Single,
Thomas Morong, Chap.	Iowa City,	Alabama,	29	Clergyman,	Congregat'n'l	Married,
S. S. Daniels, Sergeant	Tipton,	Vermont,	34	Attorney,	Congregat'n'l	Married,
John P. McKay, Eng clk	Richmond,	Massachusetts	25	Clerk,	Methodist,	Married,
A. W. Ballard, En'lg cl'k	Oskaloosa,	Ohio,	23	Lawyer.	Methodist,	Married.



INDEX.

A.

ABSENT—

85, 173, 180, 196, 273, 293, 365, 507.

ABSENCE, LEAVE OF—

39, 49, 92, 133, 146, 152, 159, 166, 195, 249, 441.

ADJOURNMENT—

110, 114, 118, 132, 135, 250, 271, 272, 427, 429, 456, 472,
504, 511, 537.

APPOINTMENTS—

See committees.

APPORTIONMENT—

272, 281, 409.

APPENDIX—

539.

B.

BILLS, &c—SENATE FILES.

No. 1. To restrict duties of Sup. of Public Instruction, 17, 21, 23, 40, 43.

“ 2. To exempt Lots in Dubuque, property of U. S., from taxation, 32, 63, 69, 74, 89.

BILLS, &c.—SENATE FILES, Continued.

- No. 3. A Joint resolution, instructing Senators &c., on admission of Kansas, 32.
- " 4. To establish the 11th Judicial, District; fix time of holding court therein, 33, 37, 44, 45, 57, 63, 64, 69, 70, 72.
- " 5. Regulating appeals from justices of the peace, in criminal cases, 33, 57, 58, 64, 75, 105, 327, 435, 515.
- " 6. To provide for the payment of State bonds, 36, 43, 44.
- " 7. Regulating the interest on money, 37, 43, 55, 59, 66, 67, 99, 104, 236-7-8.
- " 8. Granting certain privileges, to Dubuque & Pacific R. R. Co., and other purposes, 37.
- " 9. Regulating change of Venue in criminal cases, 37, 92, 99, 107, 524, 535, 536.
- " 10. Authorizing the city of Dubuque to aid in constructing certain R. R., and other purposes, 39.
- " 11. Regulating dower, 40, 343, 401.
- " 12. Authorizing the election of an additional justice in Centre township, Decatur co., 41, 43, 76, 105, 124, 151, 165.
- " 13. Authorizing the county judge of Benton county to transcribe records of said county, 42, 52, 76, 88, 90, 98.
- " 14. Joint resolution authorizing employment of clerk, &c., 46, 57, 61, 69.
- " 15. To repeal an act entitled an act for the suppression of intemperance, 46, 247.

BILLS, &c.—SENATE FILES, Continued.

- “ 16. To sepearate the financial from the educational duties of superintendent of public instructions, 48, 342.
- “ 17. To amend an act entitled an act requiring co., judges to give bonds, 48, 96, 158, 166, 169, 171.
- “ 18. Relating to depositions, 52, 72, 114.
- “ 19. To vacate part of State road in the town of Primrose, in Lee co., 52, 76, 89, 90, 98.
- “ 20. Amending chapter 130 of the code of Iowa, 53, 93, 94, 99, 107, 108, 161, 166, 169, 171.
- “ 21. To amend chapter 85 of the code, 53, 92.
- “ 22. For the more equal valuation of real property subject to taxation, 53, 74, 75, 206, 301.
- “ 23. To establish a State road from Demoine city to county seat of Marshall co., 54, 494.
- “ 24. To amend chapter 49 of the session laws of 1854-5,—54, 99, 116, 218, 242, 290, 322.
- “ 25B. To provide for appeals in criminal cases, 54, 126, 496.
- “ 25A. To legalize the articles of incorporation of the Dubuque & Bellvue R. R. Co., and for other purposes, 56, 131, 140, 151, 166.
- “ 26. To repeal an act in relation to county seats, 63, 83, 84, 85, 86, 361, 362.
- “ 27. Further regulating the service of original notices, 65, 460, 499, 505, 535, 536.
- “ 28. To repeal an act in relation to Divorce and allimony, and to revise chapter 86, of the code, 65, 125, 135, 145, 218, 253, 479, 499, 505.
- “ 29. To reduce the width of certain State roads, 65, 131, 141, 121, 166, 535, 536.

BILLS, &c.—SENATE FILES, Continued.

- No. 30. Relating to proceedings in the District Courts, for obtaining judgment by notice, 65, 93.
- " 31. Regulating the taking of Depositions, 68, 188, 203, 261, 308, 383, 415.
- " 32. Vacating the public square in Mt. Vernon, Linn county, 71, 79, 89, 91, 99.
- " 33. To repeal part of section 1464, of the code, 72, 134, 140, 146.
- " 34. To procure additional mail facilities, 73, 146, 159, 167, 383, 415.
- " 35. Entitled an act to incorporate Winterset, 73, 105, 137, 158, 221, 227, 241.
- " 36. Joint res. for increased mail facilities, 82, 147, 183, 199, 205, 220.
- " 37. To appoint warden of penitentiary, and amend acts relating to discipline, 29, 82, 251, 261, 313, 383, 415.
- " 38. To vacate an alley in the city of Keosauqua, 83, 183, 199, 204, 22, 259.
- " 39. Ceding to the U. S. exclusive jurisdiction and exempt from taxation all lands purchased by them, 89, 134, 143, 144, 159, 403, 424, 483, 488.
- " 40. To protect wool-growing interests of State by destruction of wolves, 89, 123, 223, 226, 261.
- " 41. To incorporate an institution of learning at Oskaloosa, in Mahaska county, 90, 92.
- " 42. To provide for appropriation to increase the State library, 96.

BILLS, &c.—SENATE FILES, Continued.

- No. 43. Joint resolution asking for the establishment of custom house, 100, 122, 145, 183, 199, 204, 220.
- “ 44. To amend section 706 of code, 100, 125, 398.
- “ 45. Relating to the Navigation and Hydraulic Co. of the Mississippi rapids, 100, 251, 357, 394, 420
- “ 46. To establish a recorder's office in the city of Keokuk, 100, 136, 139, 183, 199, 204, 221.
- “ 47. Providing for the education of the blind, 100, 141, 155, 165, 167, 218, 222, 310, 383.
- “ 48. For the permanent location of the asylum for the blind, 101, 312, 316, 322, 356, 385.
- “ 49. To legalize a certain State road, 101, 361, 433, 435.
- “ 50. Authorizing private persons to sue out writs of mandamus, 101, 126, 135, 145, 370, 387, 433, 435.
- “ 51. To repeal so much of chap. 166, of code as gives the right of challenge to panel of grand jury, 101, 113, 122, 145, 218, 253.
- “ 52. Further regulating indictment in criminal cases, 102, 124, 134, 138, 383.
- “ 53. To locate a State road from Mount Air, in Ringgold county, to Clarinda, in Page co., 102, 183, 199, 204, 220.
- “ 54. Regulating the time of filing pleadings in the district court, 103, 240.
- “ 55. To repeal the last clause of sec. 2705 of code, 103, 113, 114, 115, 143.

BILLS, &c.—SENATE FILES, Continued.

- No. 56. To locate and establish State road from Osceola in Clark county to Summerset, Adair county, 103.
- “ 57. To exempt the homestead from taxation and to assess lands apart from improvement, 103.
- “ 58. To protect Game, 104, 333, 335, 356, 385, 500, 511, 515.
- “ 59. To locate a State road from Clayton City to the Des Moines River, 104, 161, 166, 169, 170, 349, 387, 433, 435.
- “ 60. To locate and establish a Deaf & Dumb Asylum, 109, 342.
- “ 61. Joint resolution for mail facilities, 112, 158, 166, 169, 171.
- “ 62. Joint resolution & memorial to Congress, for additional mail facilities, 112, 242, 383, 415.
- “ 63. Joint resolution for additional mail facilities, 122, 134, 145, 183, 199, 204, 220, 283.
- “ 64. Joint resolution for additional mail facilities, 123, 135, 183, 199, 204, 220.
- “ 65. Joint resolution to Congress—the boundaries of the State of Iowa, 125, 183, 199, 204, 220.
- “ 66. Fixing the salaries of the Judges of the Supreme Court, &c., 126, 138, 193, 194, 195, 207, 209, 214, 308, 323-4, 346, 384.
- “ 67. Requiring the State Treasurer, to loan 5000 of the 5 per cent funds to the Central University, 127, 337.
- “ 68. To authorize County Judge of Linn county, to transcribe certain records of said county, 136, 184, 199, 205, 221.

BILLS, &c.—SENATE FILES, Continued.

- No. 69 To amend the charter of the city of Council Bluffs, 136, 140, 184, 192, 227, 264, 284, 323, 346, 351, 384, 519, 536.
- “ 70. Entitled an act to locate the Asylum for the Deaf & Dumb at Winterset, Madison county, 136, 289.
- “ 71. To change the name of Somerset in Adair co., to Fontenelle, 137, 158, 166, 169, 171, 515.
- “ 72. Providing for the re-survey of lands in certain cases, 137, 141, 184, 519, 536.
- “ 73. For further regulating the swearing out writs of error in district courts, 137, 184, 204, 261, 308, 415.
- “ 74. Providing for additional security of public money, 137, 185, 436.
- “ 75. For the division of the property of school district No. 3, Bloomfield township, Davis co., Iowa, 141, 308, 383, 415.
- “ 76. To amend the charter of the town of Fairfield, 142, 154, 165, 167, 218, 241, 290, 322.
- “ 77. To provide for an annual appropriation for the benefit of a State Historical Library, 142, 172, 438, 494, 511, 515.
- “ 78. To amend chapter 64 of the code, 142, 302, 497, 514, 535, 536.
- “ 79. To drain or levee townships, 142.
- “ 80. For a State road from Centre township, in Linn county, to Independence, in Buchanan county, 143.
- “ 81. To make further appropriation for the State insane asylum, 156, 238, 269, 456, 480, 506, 508, 517, 535, 536.

BILLS, &c.—SENATE, FILES, Continued.

- No. 82. To vacate a subdivision of land by C. F. Conn, in Lee co., 167, 198, 346, 384.
- “ 83. For the location of the asylum for the blind, 171, 323.
- “ 84. To regulate the sale of school lands in Decatur co., 172, 250, 249, 383, 415.
- “ 85. To change the name of Fink's Grove to Avon, 172, 308, 383, 415.
- “ 86. To vacate certain alleys in the town of Bloomfield, 172, 308, 383, 415.
- “ 87. For the relief of Hannah Everall, 178, 279.
- “ 88. Joint res. in relation to the Woodworth planing machine, 179, 308, 383, 415.
- “ 89. To locate a permanent institution for the Blind at Knoxville, 179, 341.
- “ 90. To provide for the Deaf & Dumb Asylum, 179, 243, 309, 383, 415.
- “ 91. In relation to redemption of lands sold by foreclosure of Mortgage, 188, 279.
- “ 92. Concerning a State road, 189.
- “ 93. To locate a State road from Winterset to Osceola, 189.
- “ 94. To locate a State road, from Lewis, Cass county to Quincy in Adams county, 189.
- “ 95. To amend a portion of chap. 136 of the code, 189, 242.
- “ 96. To vacate a certain Grave Yard and authorizing sale of same, 190, 310, 386, 438, 435.
- “ 97. To authorize the county recorder of Davis co., to reindex certain records, 190, 309, 383, 415.

BILLS, &c.—SENATE FILES, Continued.

- “ 98. To locate a State road from Fort Desmoines to Pleasant Plain via Indianola and Osceola, 190.
- “ 99. To locate a State road from Fort Desmoines, in Polk county, to Afton, in Union co., 190.
- “ 100. To locate a State road, 191.
- “ 101. To extend the corporate limits of the city of Oskaloosa, 193, 267, 323, 346, 384.
- “ 102. To organise the county of Worth and annex territory, 205, 358, 449, 499, 505.
- “ 103. Joint resolution for an appropriation for building custom house in the city of Burlington, 205, 284, 323, 346, 384.
- “ 104. To extend the jurisdiction of justices of the peace, 206, 302, 394, 420.
- “ 105. Relating to the assessment of property, 206, 296, 300, 336, 386, 506, 511, 515.
- “ 106. To authorize the election of additional justice of peace in the town of New Vienna, Dubuque co., 206, 309, 383.
- “ 107. Regulating trials and appeals in county courts, 207, 302, 394, 415.
- “ 108. Authorizing the conveyance of real estate of deceased persons in certain cases, 207, 499.
- “ 109. To limit the holding by corporate companies of real estate for the purpose of speculation, 227, 240.
- “ 110. To amend section 498 of code, 227, 280.
- “ 111. For an additional justice of the peace in Wapello co., 227, 309, 383, 415.

BILLS, &c.—SENATE FILES, Continued.

- No. 112. To incorporate Sioux City, 226, 239, 284, 323, 346, 384.
- “ 113. To punish the obstruction of roads and bridges, 228.
- “ 114. To incorporate the town of Tipton, in Cedar County, 228, 239, 284, 488.
- “ 115. To amend an act entitled an act to amend the charter of Wappello, 229, 235, 309, 383, 415.
- “ 116. Joint resolution for the relief of Mary Ann Cheney & heirs, 228, 309, 383, 415.
- “ 117. Amending an act fixing the boundaries in the 10th Judicial District—time of holding court, &c., 229, 309, 415.
- “ 118. To authorize the S. F. C. of Clayton county, to procure a safe for the use of his office, 229, 284, 322, 346, 383, 384, 434.
- “ 119. To locate a State road from Mt. Pleasant to Wappello Louisa co., 243, 440.
- “ 120. Joint resolution asking Congress to make the Southern Iowa R. R., a branch of Pacific R., 247, 363, 399, 435, 440.
- “ 121. To legalize the re-survey of town of Bedford, 248, 309, 415.
- “ 122. Joint resolutions for additional mail facilities, 249, 309, 383.
- “ 123. For the encouragement of agriculture, 250, 293, 477, 478, 494, 501, 511, 515.
- “ 124. To locate a certain State road, &c., 252, 283, 322, 346, 384.
- “ 125. To re-establish a part of the town of Toolesboro, Louisa county, 252, 310, 383, 415.

BILLS, &c.—SENATE FILES, Continued.

- " 126. To amend the city charter of Lyons city, 252, 310, 383, 415.
- " 127. To amend chap. 48 of the acts of 1852-3 relating to supervisors of roads, 253, 343, 406, 432, 498.
- " 128. To locate a State road, 256.
- " 129. To locate a State road from Waterloo to Fort Dodge, 256.
- " 130. To authorize Paul C. Jeffries to transcribe certain records of Wappello county, 256, 284, 322, 346, 384.
- " 131. To provide for the more speedy publication of Supreme Court, reports, 257.
- " 132. Authorizing the Governor to subscribe for S. Court Rep., 257.
- " 133. To fix salary of the Attorney General, 257, 357, 395, 415, 421, 460, 499, 505.
- " 134. To locate State road from Toledo to Montezuma, 257.
- " 135. To amend an act granting to R. R. Co., the Wright of Way, 258.
- " 136. Relating to Penitentiary government and discipline, 258, 290, 291.
- " 137. Authorizing County Judge of Washington County to appoint a person to index certain records, 258, 436, 497, 511, 515.
- " 138. Joint res. and me. relating to pre-emption laws, 258, 301, 303, 395, 421, 494, 511.
- " 139. To restrain swine and sheep from running at large in Winneshiek co., 259, 278.
- " 140. For the suppression of intemperance, 259, 347.

BILLS, &c.—SENATE FILES, Continued.

- No. 141. To incorporate the city of Winterset, 260, 284, 323, 346, 384.
- “ 142. To authorize W. W. Garner, and others to sell real estate, 268, 357, 399, 433, 435.
- “ 143. To vacate the town plat of Ivanhoe, Linn co., Iowa, 349, 383, 415.
- “ 144. Supplemental to an act to establish a recorder's office in the city of Keokuk, 277, 340, 386, 433, 435.
- “ 145. To regulate insurance co's in the State of Iowa, 277, 356, 395, 424, 460, 498, 511, 515.
- “ 146. Providing for the election of township supervisor—duties, &c., 277, 342, 360, 406.
- “ 147. To incorporate Maquoketa, in Jackson co., 277, 379, 424, 483, 488.
- “ 148. Making provisions for continuance of Geological survey of the State, 278, 384, 424, 449, 483.
- “ 149. To authorize Henry Harrell and Stephen Harrell to convey their interest in certain land, 279.
- “ 150. Joint res. relating to admission of Utah, 285.
- “ 151. To legalize the articles of incorporation of the Great Western R. R. co., 293, 415, 428, 476.
- “ 152.
- “ 153. To change the name of Robert William Thorner, 303, 339, 383.
- “ 154. Memorial to Congress in favor of repeal of the duty on Sugar & Molasses, 310, 339, 415.
- “ 155. Memorial relating to Pacific Railroad, 311, 339, 342, 415.

BILLS, &c.—SENATE, FILES, Continued.

- " 156. Preamble & resolutions for repeal of duty on Railroad Iron, 311, 339, 388, 415.
- " 157. To incorporate the city of St. Charles, 311, 341, 479, 505.
- " 158. Concerning the Iowa Medical College, 312, 399, 433, 435.
- " 159. To incorporate Albia, Monroe co., 312, 343, 479, 498, 511, 515.
- " 160. To repeal Section 3 & 4, chapter 67 of Session Laws of 1855—312, 338, 436, 483, 488.
- " 161. Joint resolution for mail facilities, 313, 339, 383.
- " 162. In relation to delinquent State taxes, 313, 340, 395, 421, 422.
- " 163. Fixing the times of holding court in 3d judicial district, 313, 514, 535, 536.
- " 164. To authorize additional term of court in Tama county, 314.
- " 165. Joint resolution for mail facilities, 314, 340, 383.
- " 166. To fix times of holding court 9th judicial district, 314, 443, 460, 499, 505.
- " 167. To re-survey a certain road in Keokuk co., 314, 340, 386, 433, 435.
- " 168. Fixing the weight of sand and lime, 315, 337, 356, 386, 511, 515.
- " 169. For the regulation of public schools in cities and towns, 315, 430, 494.
- " 170. To build a dam across the Cedar river in Benton co., 324, 475, 494, 515, 511.

BILLS, &c.—SENATE FILES, Continued.

- No. 171. To amend an act to incorporate the city of Mt. Pleasant, 324, 425, 497, 511, 524, 529.
- “ 172. For the pub. instruction of the State of Iowa, 344, 367, 396, 397, 400, 401, 432, 444, 445, 446, 447.
- “ 173. To vacate certain alley in the town of Leon, Decatur co., 346, 370, 435, 440.
- “ 174. Relating to State road from Rockwell to Ft. Des Moines, 351.
- “ 175. To incorporate the city of Eddyville, 351, 411, 460, 499, 505.
- “ 176. To encourage scientific and practical agriculture, 352, 376, 378, 395, 406.
- “ 177. Joint res. and memorial for increased mail facilities, 352, 399, 435, 440.
- “ 178. To increase compensation of co. surveyors, 353.
- “ 179. To change the name of Bremen, in Monroe co., to Savilla, 399, 435.
- “ 180. To increase Jurors fees, 436, 498, 511, 515.
- “ 181. Joint resolution and memorial for lands for Iowa Union Railroad, 354, 363.
- “ 182. To incorporate the city of Council Bluffs, 354, 370, 435, 440.
- “ 183. To create Fremont township Van Buren county, 354.
- “ 184. To change the name of Burrington to Manchester, 357, 399, 435, 440.
- “ 185. To create a school district in Van Buren county, 358, 425, 483, 488.
- “ 186. Joint resolution and memorial in relation to the 5 per cent fund, 361, 399, 440.

BILLS, &c.—SENATE FILES, Continued.

- No. 187. Joint resolution and memorial for a grant of lands to aid in construction of certain Railroads, 364, 535, 536.
- “ 188. In relation to Apprentice and Master, 367.
- “ 189. To authorize Otis A. Holmes, to sell certain lands, 367, 443, 494, 511, 515.
- “ 190. To authorize co. Judge of Marion co. to build a court house in Knoxville, 368, 436, 483, 488.
- “ 191. To incorporate Burris, in Louisa county, 368, 412, 460, 490, 505.
- “ 192. Relating to State library, 399, 435, 440.
- “ 193. To establish a certain State road, 375.
- “ 194. To legalize the acts of Francis H. Wooton, notary public, 375, 483, 488.
- “ 195. For additional mail facilities, 375, 400, 433, 435.
- “ 196. To perfect title of David Reynolds in and to lot No. 12, in Albia, Monroe co., 375, 435, 440.
- “ 197. To change the number of a block in Benton city, 377, 427, 460, 498, 511, 515.
- “ 198. To establish a recorder's office in Lyons city, 377.
- “ 199. To attach the counties of Hancock and Winnebago to the county of Cerro Gordo, 378, 452.
- “ 200. To locate the county seat of Cerro Gordo county, 379, 400, 433, 435.
- “ 201. Legalizing the sale of certain lands, 379, 427, 479.

BILLS, &c.—SENATE FILES, Continued.

- No. 202. To preserve the purity of the ballot box, 379, 414.
- “ 203. To locate State road, 380.
- “ 204. To change the location of the Camanche and Anamosa State road, 380.
- “ 205. To change the location of a State road, 380.
- “ 206. To locate a State road, 380, 499, 505.
- “ 207. Joint resolution for the relief of Josiah Cowles, Lee co., 404, 484, 494, 511, 515.
- “ 208. To authorize the county of Clayton, to subscribe to the stock of certain Railroad, 404, 460, 505,
- “ 209. To elect an additional Justice of the Peace in West Point township, Lee county, 404, 436, 483, 488.
- “ 210. To authorize N. W. Burris and his heirs to keep ferry, 405, 473.
- “ 211. In relation to corporate indebtedness, 405.
- “ 212. Requiring election of additional justice of the peace in Camanche township Clinton co., 405, 499, 505.
- “ 213. To authorize the town of Tipton to sell pub. square, 406, 424, 483, 488.
- “ 214. For the encouragement of practical and scientific agriculture, 413, 494, 511, 515.
- “ 215. To create School District in Johnson county, 415.
- “ 216. To establish State road, 432.
- “ 217. In relation to the University lands, 433, 456, 460, 499, 505.

BILLS, &c.—SENATE FILES, Continued.

No. 218. Concerning school monies, 434, 499, 519, 536.

“ 219. Providing for the 5 per cent fund, 434, 486, 487, 505, 511, 515.

“ 220. In relation to Des Moines river improvement, 436, 442, 456, 457, 490, 491, 492, 493, 529, 535, 536.

“ 221. To re-apportion the State of Iowa, 437, 458, 459, 460, 461, 462, 463, 464, 468, 488, 499, 505.

“ 222. Relating to attorney general in suits relating to swamp lands, 441, 494, 511, 515.

“ 223. To change the boundaries of Wapello and Davis co's, 442.

“ 224. To change the bounnaries of the 1st and 2d congressional districts of the State, 450, 464, 488, 499, 505, 535.

“ 225. Legalizing certain bonds, 451, 455, 460, 467, 483.

“ 226. Relating to the Keokuk and Illinois Bridge Co., 453, 484, 494, 511, 515.

“ 227. To authorize the construction of a bridge across the Mississippi river at Burlington, 453, 494, 511, 515.

“ 228. To change the name of West Point, in Lee co., to Lee City, 454, 460, 499, 505.

“ 229. To legalize the acts of certain officers, Grinnell township, Poweshiek co., 454, 460, 499, 505.

“ 230. For additional mail facilities, 455, 494, 511, 515.

“ 231. To locate State road, 473, 511, 515.

BILLS, &c.—SENATE FILES, Continued.

No. 232. To locate certain State road, 473, 411, 515.

“ 233. To authorize city of Dubuque, to issue bonds and subscribe to stock of certain Railroads, 473, 494, 511, 515.

“ 234. To alter a State road from Independence to Dubuque, 474, 494, 511, 515.

“ 235. To establish a school district in Mahaska co., 474, 494, 511, 515.

“ 236. To prevent swine from running at large in Burlington, 475, 511, 515.

“ 237. To fix time of holding court in 5th Judicial District, 476, 494, 511, 515.

“ 238. To prevent hogs from running at large in the city of Council Bluffs, 479, 494, 511, 515.

“ 239. Relating to fire companies, 480, 504, 519, 536.

“ 240. For the relief of Joseph Ball, 493, 510, 535, 536.

“ 241. Giving jurisdiction to U. S. and exemption from taxation certain lands, 496, 511, 515, 518, 525.

“ 243. To require supt. pub. inst. to pay over certain monies, 511.

“ 245. Relating to the bonds of the Keokuk, Ft. Des M. & Min. R. R. co., 512, 535, 536.

“ 246. Amendatory to an act relating to county seats, 513.

“ 247. Relating to the school laws, 517, 520, 535, 536.

“ 249. To provide for printing reports, of State Geologist, 520, 533, 535, 436.

BILLS, &c.—SENATE FILES, Continued.

- " 250. To attach Guthrie county to seventh Judicial District, 520, 533, 535, 536.
- " 251. To authorize Iowa Southern Railroad to issue bonds, 527, 536.
- " 252. Joint resolution in relation to distribution of Lands, 527.
- " 253. Providing for indexing the census returns of the State, 528, 535, 536.

BILLS, &c.—HOUSE FILES.

- No. 1. To create school district in Jackson county, 304, 332, 415, 440.
- " 2. Joint resolutions and memorials relating to Kansas, 59, 68, 115, 127, 128, 129, 131, 138, 151, 160, 161, 167.
- " 3. To amend chapter 66 of the code, 39, 41, 49, 50, 51, 62, 66, 76, 79, 88, 95.
- " 4. To authorize Mahaska county to borrow certain monies, 39, 41, 42, 46, 66.
- " 5. To provide for the payment of certain State bonds, 40, 41, 49, 50, 58, 67.
- " 6. Fixing boundaries of the 13th Judicial District, 58, 64, 71, 116, 222, 288, 417.
- " 8. For a State road from Dennison to Magnolia, 119, 147.
- " 9. For State road from Council Bluffs to Sioux City, 108, 116.
- " 12. To increase the number of voting places, 217, 265, 355.
- " 13. To change boundaries of the 9th Judicial District, 76, 105, 185, 284.

BILLS, &c.—HOUSE FILES, Continued.

- No. 14. For State road from Reed's Mill to Correctionville, 108, 117.
- " 15. For State road from Ft. De Moine to the State Line, 157, 171, 360, 427.
- " 16. For State road in Marion county, 95, 106.
- " 17. To legalize organization of Ringgold county, 87, 105, 116, 168.
- " 19. State road from bridge in Shelby county to Magnolia, 108, 117.-
- " 20. For road from Panora to Soldiers Creek, 108, 117.
- " 21. To restrain swine in Harrison and Monona counties, 160, 171, 278, 303, 431.
- " 24. To record plat of Newton, 326, 380, 417.
- " 25. In relation to the 10th judicial district, 59, 68, 241.
- " 26. For State road from Boonesboro to State line, 109, 117.
- " 27. State road, Marietta to State line, 109, 117.
- " 28. State road, Cedar Falls to Sioux City, 109, 117.
- " 29. For additional justice in Davenport, 87, 105, 116, 168.
- " 31. State road from Independence to New Hampton, 119, 147.
- " 32. Relating to State road from Centreville to Marietta, 130, 147.
- " 33. To authorize subdivisions of land, 95, 106, 254, 384.

BILLS, &c.—HOUSE FILES, Continued.

- " 34. To authorize re-survey of certain roads, 143, 150, 452, 494, 515.
- " 36. To amend act concerning fences, 182, 192, 290, 303, 413, 512.
- " 37. To define boundaries of 6th judicial district, 119, 147, 223, 301.
- " 38. State road from Centreville to Ottumwa, 119, 147.
- " 39. For relief of David Hain, 76, 105, 156, 158, 169, 198.
- " 40. To fix boundaries of 7th judicial district, 67, 69, 113, 131.
- " 41. To establish 12th judicial district, 67, 70, 223, 241, 437, 494.
- " 42. To restrain swine in Blackhawk and Buchanan counties, 109, 148, 157.
- " 47. To change the name of railroad, 186, 191, 284.
- " 48. For appropriation for penitentiary, 168, 178, 268, 310.
- " 49. For relief of school district, in Wapello county.
- " 50. To incorporate Glenwood, 119, 148, 155, 193, 262, 372.
- " 51. For State road, 120, 148.
- " 54. In relation to swamp lands, 72, 106, 131.
- " 55. Memorial for grant of lands to McGregor and St. Peters R. R., 109, 145, 168.
- " 59. For the relief of W. W. Williamson, 217, 265, 300.

BILLS, &c.—HOUSE FILES, Continued.

- No. 60. Memorial for mail facilities, 120, 148, 242, 310.
- “ 62. To authorize school fund com'r of Warren co. to pay certain monies, 120, 148, 242, 310.
- “ 63. To locate asylum for the deaf and dumb, 460, 485, 506.
- “ 65. To organize the county of Hamilton, 109, 144, 168.
- “ 68. Memorial for mail facilities, 120, 149, 150, 168.
- “ 70. To change the name of Blakesburg, 130, 149, 168.
- “ 71. To establish branch of State University, 348, 387, 403.
- “ 72. Supplemental to act in relation to railroad grant, 304, 331, 442, 448, 449, 450, 475, 481, 482, 483, 497, 510.
- “ 73. To locate certain State roads, 157, 177.
- “ 75. To incorporate Centerville, 157, 178, 221, 264, 310.
- “ 76. To license showmen, 306, 372.
- “ 77. To repeal chapter 61 of acts of 4th General Assembly, 160, 344, 402.
- “ 79. Memorial for mail facilities, 130, 149, 168.
- “ 80. Memorial for mail facilities, 130, 149, 168.
- “ 81. For a State road from Overman's ferry to Washington ferry, 182, 192, 284.
- “ 82. Memorial for mail facilities, 130, 149, 168.
- “ 84. Memorial for mail facilities, 130, 131, 149, 168, 177.

BILLS, &c.—HOUSE FILES, Continued.

- No. 85. Memorial for mail facilities, 157, 242, 310.
- “ 91. Creating the 14th judicial district, 217, 260, 372.
- “ 93. Memorial for mail facilities, 150, 176, 242, 310.
- “ 95. For road from Ft. Des Moines, to Union county, 157, 177.
- “ 96. To authorize school district in Scott co. to borrow money, 160, 176, 238, 264, 384.
- “ 99. To authorize transcribing of records in Pottowattomie county, 130, 144, 154, 198.
- “ 100. To amend charter of Ottumwa, 130, 144, 154, 198.
- “ 101. Memorial in relation to Naturalization Laws, 143, 150, 169, 220, 243, 247, 262, 263, 310.
- “ 102. Memorial for mail facilities, 157, 177, 242, 310.
- “ 103. Memorial in relation to Naturalization Laws, 161, 177.
- “ 105. Memorials for mail Facilities, 161, 176, 280, 372.
- “ 108. To pay monies to Normal Schools, 306, 373, 480, 481, 515.
- “ 110. To authorize ferry on Des Moines river, 157, 177.
- “ 111. Memorial for mail facilities, 182, 192, 262, 372.
- “ 112. To amend charter of Burlington, 157, 178, 409, 440.
- “ 114. To change name of Columbus, 158, 178, 198.

BILLS, &c.—HOUSE FILES, Continued.

- " 115. Relating to drawing County funds, 289, 327, 417.
- " 117. To amend charter of Muscatine, 181, 284.
- " 118. Relating to Clerks fees, 311, 329, 412, 440.
- " 119. Relating to the school funds of the State, 168, 170.
- " 120. To amend chapter 161 acts of 5th Gen. Ass., 176, 198, 264, 372.
- " 122. To amend chapter 62 of the Code, 305, 330.
- " 126. In relation to a State road, 306, 372, 417.
- " 128. To amend charter of Burlington, 283, 327, 414, 515.
- " 130. Relating to salaries of State officers, 326, 387, 438, 440, 480, 494, 500.
- " 131. To amend chap. 22 of Code, 306, 371, 428, 521.
- " 132. Relating to records of Keokuk county, 217, 265, 384, 515.
- " 135. To repeal chapter 35 of Session Laws, 1856, 198, 264, 310.
- " 136. To amend chapter 136 of Code, 217, 266.
- " 138. In relation to Plattsmouth Ferry Co., 304, 388, 413, 440.
- " 141. To incorporate Fort Desmoines, 283, 325, 411, 515.
- " 144. To incorporate Lithopolis University, 304, 331, 355.
- " 145. Memorial for mail facilities, 217, 265, 372.
- " 148. To elect additional justice of the peace, 217, 267, 372.

BILLS, &c.—HOUSE FILES, Continued.

- “ 149. Memorial for mail facilities, 217, 266, 310.
- “ 150. Memorial for mail facilities, 304, 331, 384.
- “ 151. Memorial for mail facilities, 304, 329, 384.
- “ 152. Relating to State printing, 478, 503-4, 519.
- “ 153. For State road from Fairview to Pioneer Grove,
304, 332, 384.
- “ 155. To authorize collection of taxes in Jasper coun-
ty, 217, 267, 372.
- “ 156. Relatign to jurors in Mills county, 304, 331.
- “ 157. To incorporate Guttenburg, 305, 329, 358, 417.
- “ 158. To authorize Dubuque to sub., to R. R., 266,
328, 417.
- “ 164. Amend sec. 112 of code, 305, 370, 400.
- “ 168. Memorial for mail facilities, 306, 171, 425.
- “ 171. Amend sec. 1956 of the code, 435, 466.
- “ 172. To require record of town plats, 384, 417, 444,
450, 494.
- “ 174. Authority to McGregors & St. P. R. R. Co.,
&c., 267, 328, 428, 479.
- “ 177. For relocation of burial grounds, 217, 266, 430,
515.
- “ 178. To incorporate the town of Newton, 267, 328,
412, 425.
- “ 180. To legalize organization of Howard county, 306,
369, 417.
- “ 181. To change the name of Abbis Jane Kid, 306,
371, 417.

BILLS, &c—HOUSE FILES, Continued.

- No. 184. Consolidate the charter laws of Dubuque, 423, 451, 488, 515.
- “ 185. To incorporate Davenport, 348, 381, 411, 425.
- “ 188. Memorial for mail facilities, 305, 371, 417.
- “ 190. Memorial for marine hospital at Council Bluffs, 264, 310.
- “ 192. To change the name of New Haven, 347, 381, 417, 528.
- “ 193. To vacate part of a State road, 305, 368, 417.
- “ 194. To locate a certain State road, 306, 367, 400.
- “ 195. To authorize judges to establish rules, &c., 306, 388, 514.
- “ 196. To change the name of Pierce township, 348, 381.
- “ 197. To create the county of Humboldt, 347, 381, 442, 494.
- “ 198. To make a bridge a part of a State road, 307, 381, 425.
- “ 199. To fix times of holding court in the 8th judicial district 305, 330, 417.
- “ 200. Relating to records of original land entries, 307, 382, 410, 440.
- “ 203. To amend chapter 106, of acts of 4th General Assembly, 283, 327, 417.
- “ 206. To fix times of court in 6th judicial dist., 267, 328, 337, 387, 424, 498, 515.
- “ 207. Memorial for mail facilities, 307, 382.
- “ 208. To change the name of George Granger, 305, 382, 428, 515.

BILLS, &c.—HOUSE FILES, Continued.

- No. 209. To change road in Appanoose county, 332, 384, 400, 440.
- “ 210. To fix times of court in 9th district, 267, 328, 410.
- “ 211. For road from Ft. Desmoines to Missouri river, 348, 388, 426.
- “ 213. To fix times of courts in first district, 267, 327, 345, 384.
- “ 214. To vacate street in Adel, 305, 388, 426.
- “ 216. To locate a State road, 349, 388, 452.
- “ 217. For road from Muscatine to Iowa City, 282, 326.
- “ 218. Authority to administrator of Henry Beeson, 307, 332, 341, 384.
- “ 219. For relief of medical department of university, 305, 307, 359, 385, 402-3, 426, 499.
- “ 220. To incorporate Clinton City, 283, 325, 360, 417.
- “ 221. To incorporate Camanche, 283, 324, 340, 479.
- “ 222. To incorporate Muscatine, 283, 326, 417.
- “ 223. To review a State road, 298, 418.
- “ 224. Relating to school lands, &c., 307, 333, 486.
- “ 226. To locate a State road, 283, 325.
- “ 227. To change name of town of Jefferson, 282, 325, 384.
- “ 228. To incorporate Princeton, 524.
- “ 229. Relating to records of school lands, 348, 389
- “ 230. For an agricultural college, 424, 523, 528.

BILLS, &c.—HOUSE FILES, Continued.

- No. 232. To amend charter of Keokuk, 307, 333, 410, 479, 500, 515.
- “ 233. Relating to swamp lands, 370, 389, 410, 440.
- “ 234. For a road from Osage to Glenmary, 348, 389, 417.
- “ 236. To change a name, 282, 325, 384.
- “ 237. Memorial for mail facilities, 307, 389, 426.
- “ 238. Memorial for mail facilities, 347, 389, 425.
- “ 239. To fix times of holding courts in 4th judicial dist., 307, 330, 345, 400.
- “ 240. To vacate court-house square, 436, 465, 515.
- “ 241. To vacate part of a State road in Lee county, 347, 390.
- “ 242. To vacate part of a certain road, 298, 417, 498, 505, 515.
- “ 243. Memorial for mail facilities, 247, 390, 425.
- “ 244. Relating to the survey records of Jefferson co., 347, 390, 426:
- “ 245. Relating to State road in Johnson Benton and Iowa counties, 338, 390.
- “ 246. To incorporate Washington, 326, 391, 411, 494.
- “ 253. To complete State House, 493, 517.
- „ 254. To locate county seat of Floyd county, 329, 301.
- “ 255. To amend chap. 308 of acts of 5th Gen. Ass., 308, 331.
- “ 256. To amend chapter 136 of the code, 391, 422, 440.

BILLS, &c.—SENATE FILES, Continued.

No. 157. To license the sale of Liquors, 448, 468, 472, 491, 503.

" 258. To vacate a public square, 326, 391, 426, 440.

" 259. For State road from Reedsville to Brighton, 349, 391.

" 260. For State road, 347, 392.

" 261. To locate county seat of Chickasaw county, 329, 392, 512.

" 263. To amend chapt. 15 of the code 278, 418, 451, 515.

" 264. Ferry &c., across Des Moines river, 398, 418, 489, 515.

" 265. For a State road, 338, 391.

" 267. Actions against rafts, 418, 476, 515.

" 268. For road from Ft. Madison to Montrose, 338, 392, 409, 440.

" 269. For road from Mitchell to Kossuth counties, 339, 392, 398.

" 270. To vacate ground in Osage, 339, 392.

" 271. To vacate State road in Jasper county, 339, 392, 426.

" 273. For stay of execution, 493, 520.

" 274. Road from West Union to Clarksville, 339, 393, 494.

" 275. Supplemental to act to suppress intemperance, 491, 501, 515.

" 276. To locate seat of justice of Mitchell county, 440, 456, 466, 515.

BILLS, &c.—HOUSE FILES, Continued.

No. 278. To organize school district No. 1 in Barclay township, 348, 427.

“ 279. Road from Camanche to Anamosa, 348, 393.

“ 280. In relation to Webster's Dictionary, 509, 516, 530.

“ 282. Fix the times of court in 2d district, 369, 393, 443, 494.

“ 284. To vacate town plat, 435, 465, 515.

“ 286. To vacate State road, 298, 418.

“ 287. Road from Fayette to Osage, 369, 393.

“ 288. Road from Blackhawk to Forrest City, 370, 393.

“ 290. Sale of lands in Toledo, 397, 419.

“ 291. In relation to innkeepers, 398, 418.

“ 292. To incorporate Centreville, 370, 412, 394, 426.

“ 294. To amend session laws of 5th General Assembly, 12th chap., 369, 394, 453.

“ 297. To vacate alley in West Point, 370, 394, 422, 440.

“ 298. To amend section 568 and 486 of the code, 493, 523.

“ 299. To vacate street in Rockville, 384, 419, 440.

“ 301. For the relief of J. L. Jones, 424.

“ 302. To locate a State road, 384, 419, 440.

“ 303. Memorial for mail facilities, 384, 419.

“ 304. Memorial relating to Liberia, 384, 419, 515.

“ 305. Road from New Hampton to Oregon Grove, 398, 419.

BILLS, &c—HOUSE FILES, Continued.

- No. 306. Memorial relating to homestead, 467, 474, 515.
- “ 308. For justice of the peace, 436, 465, 515.
- “ 309. For a Road from Marietta to Clear Lake, 424, 467.
- “ 310. To increase the duties of county judge, 520.
- “ 311. Boundaries of Muscatine, 435, 465, 489, 506.
- “ 312. Memorial for mail facilities, 466, 515.
- “ 313. Memorial for mail facilities, 467, 515.
- “ 314. Memorial for mail facilities, 448, 466.
- “ 315. For State road from Sioux city to Rock river, 448, 468, 515.
- “ 316. To incorporate Clinton City, 449.
- “ 318. Relating to School Funds, 456, 468.
- “ 319. Memorial for mail facilities, 460, 523.
- “ 320. To locate county seat of Floyd county, 460, 522.
- “ 322. To establish school district in Benton county, 460, 519.
- “ 323. To change boundaries of Wright county, 460, 523, 533.
- “ 324. To attach Sac county to 5th District, 493, 513, 521.
- “ 326. For a State road 478, 520. 533.
- “ 327. “ “ 478, 518.
- “ 328. Incorporate Burlington, 494.
- “ 329. To provide for Registry of Lands, 426.

BILLS, &c.—HOUSE FILES, Continued.

No. 330. To authorize Lee county to issue bonds to R.
R., 493, 521, 524.

“ 331. To authorize Lee county to issue bonds to R.
R., 493, 524.

“ 333. To authorize McClure to contract a dam, 493,
518.

“ 335. To incorporate Keokuk, 493, 523.

“ 337. To authorize “ to levy Railroad tax,
493, 523.

“ 340. To provide for printing and distributing laws,
497, 525.

“ 341. Regulating taxes on R. R., 497, 505.

“ 342. Care of weights and measures, 497, 517.

“ 344. To print reports of officers, 499, 522.

“ 346. Making appropriations, 508, 510, 526, 530, 531,
532.

“ 349. To change name of Newcastle, 514, 516.

C.

CALL—

Of Senate, 85, 173, 180, 195, 294, 507.

COMMITTEES, APPOINTMENT OF—

To wait upon House, 11, 536.

On credentials, 4,

To report rules, 12, 15, 24.

To investigate loss of bill, 15.

On apportionment, 281, 272, 407.

On railroads, 16.

On printing, 17, 25.

Special committees, 31, 34, 47.

Standing committees, 20, 73.

On Des Moines river affairs, 62, 82.

COMMITTEES—Continued.

- On school fund affairs, 80, 90, 94.
- On judicial district, 222.
- On conference, 76, 79, 88, 480, 510.
- Of the whole, 55, 59, 347. [See bills.]
- On appendix, 288.
- On mileage, 362, 395.

COMMUNICATIONS FROM—

- Supreme Court, 18, 23, 72.
- Secretary of State, 28, 77, 109, 235, 345.
- J. Teesdale, 46.
- Governor of State, 62, 78, 87. [See messages.]
- Sup. of Public Instruction, 73, 116. [See reports.]
- Attorney General, 135, 151.
- From Pres. of Senate, 249.
- Wm. Crum, 270.
- Jas. H. Gower, 484.

CHAPLAIN—

- 10, 508.

CLAIMS—

- Of Josiah Cowles, 284.
- Of Jno. W. Lane, 510.
- Of sundry, 535.

D.

DES MOINES RIVER AFFAIRS—

- 31, 34, 62, 72, 490, 529.
- (See Senate File No. 220.)

E.

ELECTIONS, OF—

- Permanent officers, 6, 7, 8.
- Chaplains, 10.
- Enrolling clerk, 14.
- Assistant fireman, 29.
- President pro tem, 170, 249. (See joint convention.)
- State Printer, 275.
- State Binder, 274.

ELECTIONS OF—Continued.

Supreme judge, 274.

U. S. Senator, 365, 366.

EXTRA SESSION—

214.

I.

INCORPORATIONS—

Com. on appointed, 73.

INSTRUCTIONS TO COMMITTEES—

See resolutions.

J.

JOINT CONVENTION—

222, 255, 272, 273, 276, 359, 361, 362, 364, 365, 366.

K.

KANSAS—

23, 27, 32, 127, 128, 129, 131, 160, 161, 162, 164, 187.

L.

LETTERS—

Of Governor to President of U. S., 23.

LOST BILL—

13, 17, 24.

M.

MESSAGES—

From the Governor, 15, 16, 30, 187, 208, 233, 253, 292, 351.

Translation of, 16. [See resolutions.]

From the House, 24, 39, 47, 57, 58, 59, 62, 66, 74, 75, 79, 82, 87, 94, 95, 108, 114, 119, 130, 135, 143, 157, 160, 168, 182, 216, 221, 235, 266, 282, 304, 311, 313, 326, 329, 338, 347, 349, 359, 362, 364, 369, 370, 372, 384, 397, 417, 423, 425, 435, 436, 440, 448, 449, 456, 460, 478, 488, 491, 493, 494, 497, 499, 508, 509, 510, 511, 514, 524, 526, 531, 534, 535, 566.

MILEAGE—

Of Senators, 362.

N.

NAMES—

Of Senators, [See appendix.]

NEWSPAPERS—

11, [See resolutions.]

NOTICE OF BILLS; BY MR—

Anderson, 19, 26, 56, 219, 284.

Atkins, 71.

Brigham, 49, 50, 81, 175, 232.

Brown, 26, 75, 91, 150.

Carter, 181, 202, 353.

Cattell, 35, 42, 203, 219, 374.

Cleaver, 35, 182.

Coolbaugh, 92.

Cook, 139, 153,

Dale, 56.

Foster, 202, 219, 285, 374.

Grinnell, 22, 35, 111, 153, 165, 219, 285, 441.

Hogan.

Jenkins, 19, 22, 53, 175, 182, 202.

Jordan, 35.

Kirkwood, 25.

Loughridge, 18, 19, 25, 49, 71, 89, 175, 219, 232, 250.

Matthews, 40, 81, 133, 282, 218.

Neal, 18, 35, 70, 98, 219, 232.

McCoy, 232.

McCrary, 42, 50, 98.

McPherson, 26, 35, 71, 121, 176, 219.

McCulloch, 25, 26, 35, 285.

Ramsay, 203, 232, 408.

Reed, 92.

Rusch, 374.

Saunders, 18, 71, 219.

Stewart, 22, 26, 232.

Test, 92, 203, 353.

Thompson, 19, 25, 121, 181.

NOTICE OF BILLS; BY MR.—Continued.

Thurston, 19, 26, 48.

Trimble, 22, 26, 48, 71, 91, 92, 98, 165, 175, 176, 181,
182, 285.

Warner, 27, 122, 175, 214.

O.

ORGANIZATION OF SENATE—

Temporary, 3, 4, 5.

Permanent, 6, 7, 8, 9, 14.

OATH—

6.

ORDER—

Questions of, 32, 73, 85, 161, 445.

P.

PETITIONS AND MEMORIALS—

For State road, by J. A. Dietar, and others, 24.

“ Milton Johnson, and others, 35.

“ R. S. Leak, et al, 40.

“ Isaac Farley, et al, 61.

“ S. S. Beal, et al, 87.

“ Isaac Farley, et al, 97.

“ A. Pearson, et al, 120.

“ T. A. Rogers, et al, 120,

“ S. M. Brice, et al, 133.

“ A. C. Call, 153.

“ I. M. Christopher, et al, 174.

“ S. M. Tucker, et al, 174.

“ A. B. Lyman, et al, 175.

“ Thomas M. Sloan, et al, 189.

“ Kelsey, et al, 181.

“ W. Waterman, et al, 200.

“ Jonathan Reed, et al, 200.

“ W. Burton, et al, 200.

“ B. Thompson, et al, 200.

“ Squire Osborn, et al, 200.

“ H. A. Schaff, et al, 201.

“ A. B. Bishop, et al, 201.

PETITIONS AND MEMORIALS—Continued.

For State road, by Samuel Thompson, et al, 201.

“ Jno. R. Wharton, et al, 201.

“ T. A. Royston, et al, 202.

“ A. J. Woodward, et al, 215.

“ Charles B. Richards, et al, 216.

“ Citizens of Allamakee and Winne-
shiek, 350.

“ Michael Welch, et al, 373.

“ L. C. Phelps, 423.

“ F. M. Sherry, 454.

In relation to liquor laws, by

P. A. Schmack, et al, 175.

McKean, et al, 181.

R. Raming, et al, 230.

James W. Smith, et al, 282.

Schmit, et al, 282.

John Pollock, et al, 316.

Austin Corbin, et al, 336.

I. Leas, et al, 346.

J. P. Cutler, et al, 368.

D. B. Keys, et al, 383.

Capital punishment; Joseph Hickman, et al, 24.

Restrain hogs; Jacob Smith, et al, 34.

Legalize town; Douglas Dale, et al, 55.

From members of the bar, 56.

Vacate alley; H. C. Caldwell, 61.

Additional term of court; Hiram Scofield, et al, 97.

Supreme Court, 111.

Change name of Somerset; Jas. Gibbs, et al, 120.

Incorporate Newton; Jesse Richmond, et al, 139.

William Reese, 153.

Appro. for armory; W. Hammond, 153.

To sell land; Harrel, 164.

Oskaloosa; Silas Scott, et al, 174.

Poll tax; Joseph Jenkin, et al, 174.

School dist.; John Park, et al, 175.

Remonstrance against being attached to 10th district, by

H. A. Welty, et al, 180.

Voice of Iowa; Wm. Johnson, et al, 201.

PETITIONS AND MEMORIALS—Continued.

- Against changing Cerro Gordo co.; J. S. Church, et al, 202.
- School tax; R. Sears, et al, 215.
- Appropriation for Historical society, 215.
- Teachers Association, Mahaska, co., 216.
- Des Moines river Imp.; Henry P. Scholter, et al, 216.
- To be detached from Davis co.; Wm. F. Bibb, et al, 230.
- For Hog Law; A. R. Rock, 231.
- “ “ J. Dean, et al, 231.
- For Judicial dist. Scott co.; G. Mitchel, et al, 231.
- For Divorce—Andrew; McCollough, 231.
- See Dower; Wm. C. Smith, et al 232.
- Claims; Clark Demhams, 243.
- Petition; J. M. Robertson, et al, 249.
- “ H. W. Gray, et al, 268.
- For incorporation of Albia: J. B. Leas, et al, 270.
- In relation to co. seats; Jas. Henett, et al, 281.
- To change name of Bremer; J. B. Dison, et al, 281.
- Hogs &c.; Theodore Tenson, et al, 282.
- Reference to school laws; Jas. Hall, et al, 295.
- Hogs; W. F. Clayton, et al, 302.
- Removal of Capital; Citizens of Washington, 316.
- Repeal of chap. 55, 1847; Wm. R. Stewart, et al, 324.
- For new township; Jas. Wolgorsort, et al, 336.
- Malitia; W. W. Granger, et al, 336.
- To be attached to Poweshiek; A. P. Allen, et al, 350.
- To Medical University, 359.
- To legalize sales; J. B. Pease, 368.
- Fences; W. McAllison, 369.
- School dist.; S. B. Matthews, et al, 374.
- R. W. Turner, et al, 374.
- Mail facilities; H. Leonard, et al, 383.
- Repeal S. Law; D. B. Keys, et al, 383.
- “ “ S. A. Moore, et al, 401.
- Claim; Josiah Cowles, 402.
- Hogs & Sheep; Jacob Bossamer, et al, 423.

PRINTING—

- Journals, 10, 19, 22.
- Rules, 13, 28.

PRINTING—Continued.

- Documents, 21, 39, 47, 512.
- Auditor's Report, 36.
- Blind Institute Report, 36.
- Senate Files, 22, 53, 57, 84, 103, 131, 437, 490.
- Report Sup. of Public Instruction, 54, 73, 87, 116.
- Communication of Governor, 78, 109.
- Report of Warden of Penitentiary, 99.
- Com. of Insane Asylum Report, 154.
- Liquor Petition, 230.
- Resolution concerning, 242.
- Com. of Crum in relation to, 270.
- Report Com. Des Moines River Improvement, 286-7, 344, 436.

R.

RESOLUTIONS—

- Relating to Chaplain, 10.
- Printing Journal, 10.
- Postage, 10.
- Furnish Chairs, 11, 350.
- Reporters, 11, 33.
- Code & Laws, 11.
- Newspapers, 11.
- Standing com., 13.
- Maps, 16.
- Kansas, 23, 27, 32, 127, 131, 160, 161.
- 5 per cent fund, 27.
- Assist. Fireman, 27, 28, 29.
- Cleaning Hall, 28.
- Secretary of State, 33, 202.
- Judiciary com., 35.
- Supreme court report, 47.
- Governor as to matter in superintendent's report, 60, 64, 103, 232.
- Investigate S. fund affairs, &c., 80.
- Com. of Des Moines river affairs, 82.
- Sup. of pub. Instruction, 91, 133.
- State Printing, 98.

RESOLUTIONS—Continued.

- Adjournment, 110, 114, 118, 132, 135, 250, 271, 427, 429, 456, 472, 504, 511, 557.
- Use of Senate chamber, 110, 125.
- Compensation to Sec. pro tem, 111.
- Attorney General, 111, 112.
- Committee on Des Moines river affairs, 112, 219.
- Com. on Library, 139, 205.
- Officers of State University, 179.
- Time of Sessions, 181.
- Legislatures of certain States, 187.
- Com. on schools, 207, 408.
- Allow Fireman stationary, 214.
- Sessions of the Senate, 214.
- For joint com., 222, 255, 359, 361, 362.
- To limit time of Speaking, 295.
- Limit int. new business, 232, 408.
- Com. ways and means on printing, 242.
- Com. Des. R. Improv't to make rep't, 250.
- Pres. and sec. State Agricultural Society, 251.
- Joint com. on apportionment, 272.
- Intemperance, 285.
- Com. to report appen'x to journal, 288.
- Clerk in relation to sup. rep't, 295.
- Print report of com. Des. R. Imp., 344.
- Mileage, 362.
- Apportionment com., 409.
- Use of S. chamber, 422, 447.
- On leave of absence, 441.
- Chairman of committees, 455.
- Provide for printing and indexing journals, 489.
- Compensation to officers, 499, 507, 508, 527.
- Furnish Senators with debates of convention & S. court reports, 509.
- State documents printed, 512.
- Thanks to speaker, 528.
- Thanks to sec. and other officers, 529.
- Thanks to Francis Rodman, 534.
- Compensation to E. Cartwright, 534.
- Authorize auditor to settle postage, 537.
- Register of State land office to employ clerk for com., 121.

RULES—

12, 13.

REPORTS OF—

Auditor, 30, 36.

Trustees of Blind Institute, 31, 36.

Sup. Pub. Instruction, 53, 56.

Res. State Land office, 57.

Com. to revise school laws, 87, 91, 229.

Com. of Lunatic Asylum, 114.

Warden, 99.

REFERENCE—

Of Governor's Message, 30.

REPORTS OF COMMITTEE ON—

Agriculture, 123, 223, 250, 278, 290, 376, 577, 488, 489, 504.

Claims, 72, 156, 250, 300, 284.

Enrolled bills, 33, 42, 61, 69, 72, 98, 124, 140, 165, 166, 171, 203, 204, 220, 241, 322, 383, 384, 433, 435, 440, 449, 467, 483, 487, 499, 511, 515.

Engrossed bills, 43, 75, 99, 122, 134, 140, 159, 165, 203, 336, 356, 394, 432.

County boundaries, 358.

Elections, 355.

Charitable institutions, 141, 154, 155, 242, 243, 312, 341, 342.

Federal relations, 146, 150, 474, 475, 510, 515.

Incorporations, 112, 140, 154, 155, 193, 221, 235, 239, 234, 240, 241, 340, 341, 355, 357, 358, 360, 378, 411, 412, 444, 488, 489, 504.

Judiciary, 43, 44, 57, 72, 92, 93, 96, 113, 125, 126, 134, 155, 184, 185, 188, 222, 223, 240, 279, 280, 302, 388, 342, 343, 344, 361, 375, 410, 427, 428, 430, 443, 455.

Public lands, 134, 141, 144, 410.

Public buildings, 82, 238.

New counties, 83, 361, 442, 533.

Internal improvements, 251, 475, 484.

Roads, 254, 343, 360, 451, 473, 533.

Ways and means, 42, 50, 268, 340, 357, 507, 526.

REPORTS OF COMMITTEES—Continued.

Credentials, 5.

Rules, 13, 24, 28, 39.

Printing, 36.

Correspondence with Geo. Green, 61.

T.

TIME—

Of sessions, 222.

Limit of speakers, 274.

V.

VETO—

Of Governor, 233, 253, 260, 351, 495.

Y.

YEAS AND NAYS—

On House File 130—439.

“ 72—449, 450.

“ 59—416, 117.

“ 257—469, 470.

“ 108—480, 481.

“ 72—481, 482, 483.

“ 71—403.

“ 219—403.

“ 21—431.

“ 41—437.

“ 488—184.

“ Kansas 2—123, 129, 130, 161, 162, 163,
164, 168.

“ 39—156.

“ 101—144, 145, 146, 262, 263.

“ 130—500.

“ 275—501, 502.

“ 63—506, 507.

“ 280—516, 530.

YEAS AND NAYS—Continued.

On House File 340—525.

“ 230—528.

“ 346—530, 531.

On Senate File 4—45, 63.

“ 7—68, 236, 237, 238.

“ 26—83, 84, 86.

“ 20—93, 107, 108.

“ 53—102.

“ 55—115.

“ 33—146.

“ 74—184, 186.

“ 66—194, 195, 196, 197, 207, 209, 214.

“ 40—224, 225, 226, 261.

“ 15—248.

“ 81—270.

“ 91—279.

“ 172—444, 445, 446, 447, 401.

“ 220—457, 458, 492, 493, 494.

“ 221—458 to 264.

“ 150—285.

“ 70—289.

“ 105—296, 297, 300.

“ 48—317, 322.

“ 58—334, 335, 386.

“ 67—337.

“ 196—377.

“ 78—497.

“ 240—511.

“ 246—513.

“ 1—17.

“ 224—460.

“ 151—476.

“ 123—477, 478.

“ 219—486, 487.

“ 176—407.

“ 202—414.

“ 45—420.

“ 133—421.

YEAS AND NAYS—Continued.

“ 162—42.

“ 217—433.

“ 178—353.

On veto of Governor, 254, 260, 496, 352.

On resolution for papers, 12.

Kansas res., 23, 27.

Com. of Sup. of Pub. Instruc., 78.

On adjournment, 79, 133, 196, 472.

On printing liq. petition, 31.

Res. joint convention, 255.

Com. of Crum, 270.

On apportionment of Senate, 409.

Res. to furnish debates, &c., 509.

Res. to print report Com. D. R. I., 285, 287.

Res. to furnish chairs, 350.

Res. thanks to Roodman, 534.

ERRATA.

- On page 46, for S F 16, read S F 15.
" 54, for S F 24, read S F 23.
" 70, for H F 42, read H F 41.
" 78, for yeas read nays.
" 79, " "
" 64, for S F 6, read H F 6.
" 82, for H F 59, read H F 54.
" 87, for H F 19, " 17.
" 92, " 41, read S. F 41.
" 96, for S F 26, read S F 27.
" 97, for reported, read referred.
" 101, for S F 43, read 48.
" 126, " 49, read 25.
" 136, " 66, read 69.
" 137, " 78, read 73.
" 143, for H F 39, read S F 39.
" 147, for S F 26, read 36.
" 154, " 77, read 76.
" 157, for H F 76, read 75.
" 157, " 10, read 110.
" 160, " 98, read 96.
" 164, for Hand, read Harrel.
" 170, for S F. 50, read 59.
" 176, for H F 117, read H F 120.
" 177, for H F 112, read H F 110.
" 183, for H F 147, read H F 47.
" 188, for S F 92, read S F 91.
" 189, for S F 89, read S F 92.
" 193, for S F 50, read H F 50.

ERRATA—Continued.

On page 198, for S F 85, read S F 82.

- " 198, for S Files, read H Files.
- " 217, for H F 47, read H F 145.
- " 217, for H F 117, read H F 177.
- " 218, for H F 48, read H F 148.
- " 223, for S F 41 & 37, read H F 41, & 37.
- " 223, for S F 49, read S F 40.
- " 243, " 101, " H F 101.
- " 249, " 112, " S F 122.
- " 256, " 139, " " 130.
- " 280, " 105, " H F 105.
- " 283, for H F 208 & 144 " 128 & 141.
- " 284, for S F 140, " S F 141.
- " 284, for H F 147, read 47.
- " 290, for S F 23, read 24.
- " 308, for S F 34, read S F 31.
- " 327, for H F 155, read 115.
- " 353, for S F 168, read 178.
- " 354, for S F 185, read 183.
- " 355, for S F 144, read H F 144.
- " 367, for S F 191, read 189.
- " 384, for H F 162, read 172.
- " 389, for H F 134, read 234.
- " 390, for H F 231, read 241.
- " 379, for S F 174, read 137.
- " 397, for H F 128, read 290.
- " 410, for H F 110, read 210.
- " 413, for H F 139, read 138.
- " 414, for S F 128, read H F 128.
- " 424, for H F 202, read 206.
- " 451, for S F 222, read 225.
- " 460, for S F 194, read 197.
- " 473, for S F 233, read 232.
- " 409, for H F 180, read 280.
- " 519, for H F 152, read 245.
- " 520, for S F 549, read 249.
- " 521, for S F 241, read 247.
- " 523, for H F 232, read H F 323.
- " 524, for H F 328, read H F 228.
- " 524, for H F 329, read H F 330.



